

IN RE: PETITION FOR VARIANCE  
N/S Martin Drive, 500' E of  
Bauernschmidt Drive  
(2322 Martin Drive)  
15th Election District  
5th Councilmanic District  
  
Bob Gatta, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-140-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 2322 Martin Drive, located in the vicinity of Turkey Point Road in Essex in the community of Bauernschmidt Manor. The Petition was filed by the owners of the property, Bob and Lexi Gatta. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8.5 feet in lieu of the minimum required 10 feet and a front yard setback of 26 feet in lieu of the required front average of 36 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Bob Gatta, legal owner of the property, Walter T. Parr, Professional Engineer with VPS Land Technologies who prepared the site plan for this project, and Albert C. (Buck) Jones, Builder. Appearing as Protestants in the matter were Dr. James Riceley, Elwood D. Whiteford, and Louis G. and Lorraine Schiesser, Jr., all residents of the surrounding community.

Testimony and evidence offered established that the subject property consists of 8,476.87 sq.ft., more or less, zoned D.R. 5.5 and is a waterfront lot located on Hogpen Creek. The property is long and narrow,

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Date

By

12/4/95  
[Signature]

tapering to its most narrow point at the waterfront. More specifically, the lot is approximately 170 feet deep and 59.24 feet wide at roadside and 40.4 feet wide at the water. Testimony revealed that Mr. & Mrs. Gatta acquired the subject property in May, 1995. They also purchased a lot with a dwelling thereon located across the street from the subject site. The Petitioners wish to develop the subject property with a single family dwelling in accordance with Petitioner's Exhibit 1. The proposed dwelling, which will be approximately 34.8 feet wide and 34.3 feet deep, has already been situated on the lot to maintain a 100-foot buffer setback from the closest exterior to the bulkhead at the waterline. This distance is being maintained in order to comply with Chesapeake Bay Critical Areas requirements. In fact, the house has been laid out and construction has begun, with the exterior of the dwelling substantially completed and under roof. Apparently, after the first phase of construction, a survey was undertaken as required by the Gatta's lender. The survey disclosed that the exterior wall on the northeast side of the dwelling is 8.5 feet from the side property line and a 26-foot setback is maintained from the dwelling to the Martin Drive right-of-way, thereby necessitating the requested variances.

On behalf of the Petitioners, testimony was offered that the house was sited at the only location on this lot where practical. It was argued that the house cannot be located closer to the water because of Critical Areas requirements. Also, strict adherence to the required side yard setbacks would eliminate any practical development of the lot, due to the narrowness of the property and its taper towards the water. It is also to be noted that the side yard setback at issue is measured from Honeysuckle Lane, a paper street adjacent to the property. In the field, the distance between the side of the house at issue and the neighboring dwelling

is greater on that side than on the western side, owing to the paper street.

The Protestants who appeared are primarily concerned about access to other houses on Martin Drive and the aesthetics of the proposed construction. As shown in numerous photographs submitted as well as the site plan for this property, Martin Drive continues in an "S" like configuration east of the subject site. Vehicles approaching this turn from that direction have a limited sight distance. Moreover, the Protestants are concerned over the possibility that emergency vehicles may not have sufficient access to structures east of the subject property on Martin Drive.

Addressing first the side yard setback requested, I am persuaded that same should be granted. The requested setback is minor, only approximately 18 inches from that required. From a practical standpoint, a significant distance is being maintained on the east side between the proposed dwelling and the dwelling on the adjacent lot. As noted above, the paper street separates those houses and the adjacent property maintains a 12-foot side yard setback as shown on the site plan. For these reasons, it is clear that a variance from the side yard setback requirements will not detrimentally impact surrounding properties.

As to the practical difficulty and uniqueness requirements, these are found based on the configuration of the property. Placing the house closer to Martin Drive would necessitate even a greater front yard variance and would place the house too close to the road. In my judgment, the house appears to be situated in the proper place, by maintaining the necessary buffers pursuant to the Chesapeake Bay Critical Areas requirements while allowing a reasonable setback towards the road.

The other setback requested relates to a 26-foot setback between the dwelling and the road. In the Petition, this variance is labeled as a

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Date

By

variance from front yard setback requirements, and is calculated based upon the average front distances between the road and adjoining dwellings. Although the Petition was filed with the assistance of the Permits and Development Management (PDM) office, I believe it was incorrectly filed. The Office of the Zoning Commissioner, the County Board of Appeals, and the Circuit Court of this County have frequently considered waterfront properties. Baltimore County is a unique jurisdiction in that it enjoys a lengthy coastline, much of which is developed and has been for many years. Waterfront lots are unique properties. Nearly all houses constructed on waterfront lots are oriented towards the water so that the residents thereof can enjoy the unique benefits associated with waterfront property. In nearly every decision rendered by this Zoning Commissioner, prior Commissioners, the Board of Appeals and the Judges of the Circuit Court for Baltimore County, it has been held that the front yard of waterfront property is that portion of the lot between the house and the water. It would require a unique circumstance, which does not exist here, for me to conclude that the setback area between the dwelling and the road should not be considered the rear yard.

I believe that the generally accepted interpretation is the correct one and should be applicable here. Thus, the need for a front yard variance in this case is moot in that the 100-foot distance between the house and the water is more than necessary to meet the requirements of the B.C.Z.R. However, the Petitioner does need relief as it relates to the distance between the house and the road. Having determined that the front of the house faces the water, the distance between the house and Martin Road constitutes the rear yard. Under the applicable provisions of the B.C.Z.R., a 30-foot rear yard distance must be maintained. This is greater

12/4/95  
Bj

than the 26 feet provided on the site plan, thus, a variance to rear yard setback requirements is necessary.

Again, based on the site constraints described, namely, the size and irregular shape of the lot, I am persuaded that variance relief should be granted. Moving the house closer to the water would infringe on the front yard setback and result in a greater variance being needed as it relates to the side yards. In my view, the location of the house at the present time is appropriate and proper. Moreover, the Petitioner's request for variance meets the requirements of Chesapeake Bay Critical Areas regulations and is supported by the Department of Environmental Protection and Resource Management (DEPRM) as evidenced by their Zoning Plans Advisory Committee (ZAC) comments dated October 17, 1995.

Despite granting the variance, I am appreciative of the neighbors' concerns as they relate to sight distance and access of emergency vehicles to other properties along Martin Drive beyond this site. Section 307 of the B.C.Z.R. requires that variance relief can be granted only if same will not detrimentally affect surrounding properties. Thus, insuring sufficient vehicular and emergency access to other nearby dwellings is a proper concern. In examining the location of the house where sited, it is clear that same does not block vehicular access. A full 26 feet is left between the house and the road, and there is more than sufficient distance to provide proper access. However, the Petitioner will not be permitted to make additional improvements within the rear yard of his property facing the road. Construction of a garage or carport, for example, would unduly block the sight lines. Thus, for these reasons, variance relief will be granted, but restricted so as to prohibit any future development in the rear yard, whether temporary or permanent.

12/4/95  
Jep


Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of December, 1995 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8.5 feet in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a rear yard setback of 26 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The granting of this relief is conditional in that the Petitioner shall not be permitted to make any additional improvements in the rear yard of his property facing the road, whether or not such improvements are temporary or permanent in nature.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and a front yard setback of 26 feet in lieu of the required front average of 36 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

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Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 4, 1995

Mr. & Mrs. Bob Gatta  
2304 Bauernschmidt Drive  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
N/S Martin Drive, 500' E of Bauernschmidt Drive  
(2322 Martin Drive)  
15th Election District - 5th Councilmanic District  
Bob Gatta, et ux - Petitioners  
Case No. 96-140-A

Dear Mr. & Mrs. Gatta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Albert C. Jones, 500 Vogts Lane, Baltimore, Md. 21221

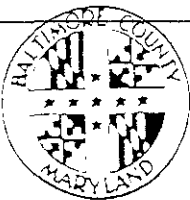
Mr. Elwood D. Whiteford, 2320 Martin Drive, Baltimore, Md. 21221

Mr. & Mrs. Louis G. Schiesser, Jr.,  
2328 Martin Drive, Baltimore, Md. 21221

Kelly Kramer  
21 W. Susquehanna Avenue, Baltimore, Md. 21204

People's Counsel; Case File





# Petition for ~~Administrative~~ Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2322 Martin Drive

96-140-A

which is presently zoned DR55

This Petition shall be filed with the Office of Zoning Administration & Development Management

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 & 303.1

To allow a side yard setback of 8.5 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required 36-foot front average.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The house was constructed with the northern corner projecting 1 1/2' beyond the building envelope. The house would need to be torn down and started over to bring it to compliance.

Property is to be posted and advertised as prescribed by Zoning Regulations

and we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

We do solemnly declare and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition

Contact Purchaser/Lessee

Legal Owner(s)

Type or Print Name

Bob Gatta

(Type or Print Name)

Signature

  
Signature

Address

Lexi Gatta

(Type or Print Name)

City

State

Zipcode

  
Signature

Address for Petition

2304 Bauernschmidt Drive

Address

Phone No.

Type or Print Name

Baltimore

MD

21221

City

State

Zipcode

Signature

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Phone No.

Albert C. Jones

Name

500 Vogts Lane

574-9337

Address

Phone No.

City

State

Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered, by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1995, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY

CAM DATE 28 Sept 95

ESTIMATED POSTING DATE

10-8-95

ITEM #

140

1 hr hearing  
any all

ORDER RECEIVED FOR FILING  
Date 9/24/95  
By [Signature]

- 3 copies

96-140-A

ZONING DESCRIPTION FOR 2322 Martin Drive

(address)

Election District 15

Councilmanic District 5

Beginning at a point on the North side of Martin Dr.  
(north, south, east or west)

\_\_\_\_\_ which is 20 feet wide  
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 500' East of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Bauernschmidt Dr.  
(name of street)

which is 40 feet wide wide. \*Being Lot # 132  
(number of feet of right-of-way width)

Block H, Section # N/A in the subdivision of  
Bauernschmidt Mannor as recorded in Baltimore County Plat  
(name of subdivision)

Book # 12 , Folio # 81 , containing

8,248 sq. ft. or .19 acres  
(square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in

Room 108 of the County Office Building, 111 W. Chase-peace Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-140-A  
(Item 140)

2322 Martin Drive  
N/S Martin Drive, 500'  
E of Bauernschmidt Drive  
15th Election District  
5th Councilmanic  
Legal Owner(s):  
Bob Gatta and Lexi Gatta

Variance: to allow a side yard setback of 8.5 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required 36 foot front average.

Hearing: Monday, November 13, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations  
Please Call 887-3353.

(2) or information concerning the file and/or Hearing, Please Call 887-3391.

10/208 Oct. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN.

A. H. Erickson  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

DATE 28 Sept 95 ACCOUNT R-001-6150  
Item # 140 AMOUNT \$ 85.00 CAR

RECEIVED FROM: Free-STATE General Contracting

FOR: Residential Services # 2322 Baltimore

96-148-A 03A03#0270410480 \$85.00  
BA 0003133PN09-28-95

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 140

Petitioner: BUCK JONES

Location: 2422 MARTIN DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BUCK JONES

ADDRESS: 500 VOGTS LANE.

BALT. MD. 21221

PHONE NUMBER: 574-9337

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY

October 19, 1995 Issue - Jeffersonian

Please forward billing to:

Buck Jones  
500 Vogts Lane  
Baltimore, MD 21221  
574-9337

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-140-A (Item 140)  
2322 Martin Drive  
N/S Martin Drive, 500' E of Bauernschmidt Drive  
15th Election District - 5th Councilmanic  
Legal Owner: Bob Gatta and Lexi Gatta

Variance to allow a side yard setback of 8.5 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required 36 foot front average.

HEARING: MONDAY, NOVEMBER 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-140-A (Item 140)  
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HEARING: MONDAY, NOVEMBER 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Bob and Lexi Gatta  
Albert C. Jones

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1995

Mr. and Mrs. Bob Gatta  
2304 Bauernschmidt Drive  
Baltimore, MD 21221

RE: Item No.: 140  
Case No.: 96-140-A  
Petitioner: B. Gatta, et ux

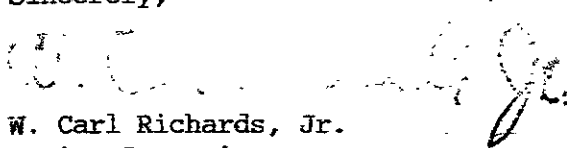
Dear Mr. and Mrs. Gatta:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

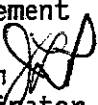
  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
October 17, 1995

FROM: J. Lawrence Pilson   
Development Coordinator, DEPRM

SUBJECT: Zoning Item #140 - Gatta Property  
2322 Martin Drive  
Zoning Advisory Committee Meeting of October 10, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

DEPRM supports this setback variance petition as it would allow the house to exist outside of the 100 ft. buffer by allowing a 26 ft. front yard setback in lieu of the required 36 feet. DEPRM has no comments on the side yard setback variance.

JLP:GS:sp

GATTA/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director                      DATE:   Oct. 18, 1995  
      Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
      Development Plans Review Division

RE:    Zoning Advisory Committee Meeting  
      for October 16, 1995  
      Item No. 140

The Development Plans Review Division has reviewed the subject zoning item. Martin Drive is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 40-foot right-of-way. Show the ultimate 40-foot right-of-way on the plat.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

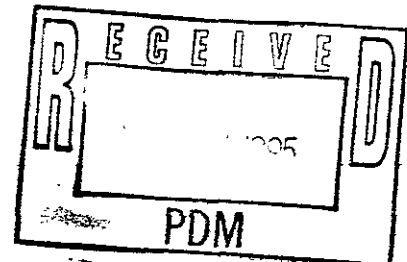
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139,  
140, 141, 142 AND 144. 8



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 4, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144. //

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Daryl Kerns*

PK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

10-10-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 140 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

## PETITION PROBLEMS

### #133 -- MJK

1. No telephone number for legal owner.

### #136 -- JRA

1. No zoning on petition form.

### #137 -- JRA

1. Folder was not marked critical area.

### #139 -- MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

### #140 -- CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

### #141 -- MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser., along with power of attorney.

### #142 -- CAM

1. No review information on bottom of petition form.

RECEIVED  
JAN 10 1993

### #143 -- JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Edward A. Whiteford  
LOUIS G. SCHIESSER Jr

2320 MARTIN DR 21221



MAILED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

WALTER T. FARR

BOB CARTA

Buck Jones

1602 Rossmore Ct. Bel Air MD

2344 Riverfront Dr

Balto MD

500 VOLGT'S LANE 21221



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

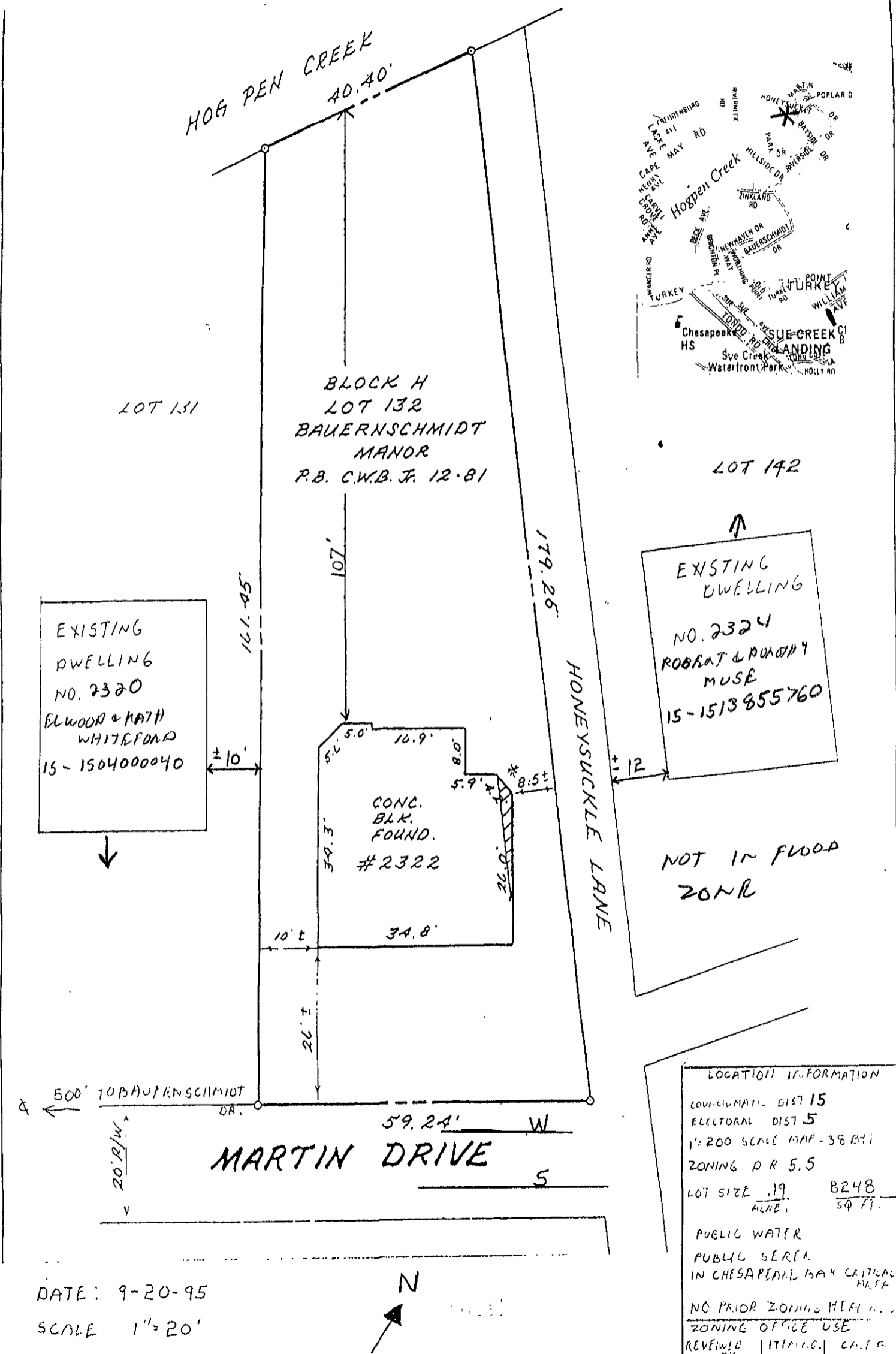
Kelly Kramer on behalf  
of Dr. James Reedy  
and Margaret Reedy  
Lorraine Schuster

21 W. Susquehanna Ave  
Towson, MD 21204

232 E. Martin Dr 21221



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE  
 PROPERTY ADDRESS 2322 MARTIN DRIVE  
 SUBDIVISION : BAUERNSCHMIDT MANOR  
 PLAT 12 FOLIO 81, BLOCK H  
 OWNERS BOB & LEXI GATTA



LOCATION INFORMATION		
COUNCILMAN DIST	15	
ELECTORAL DIST	5	
1"=200 SCALE MAP	38 BAY	
ZONING P R	5.5	
LOT SIZE	.19	8248
ACRE.		SQ FT.
PUBLIC WATER		
PUBLIC SERV.		
IN CHESAPEAKE BAY CRITICAL AREA		
NO PRIOR ZONING HEARINGS		
ZONING OFFICE USE		
REVIEWED BY	ITTINGER, C.A.F.	
	140	

DATE: 9-20-95  
 SCALE 1"=20'

96-140-A

# Exhibits:

## Petitioner's

## Protestants

- #1: Original Plat
- #2: Plat submitted to Bank
- #3: Photos of Building  
3a - 3c

#4: Plat w/ Honeysuckle  
lane in Pink

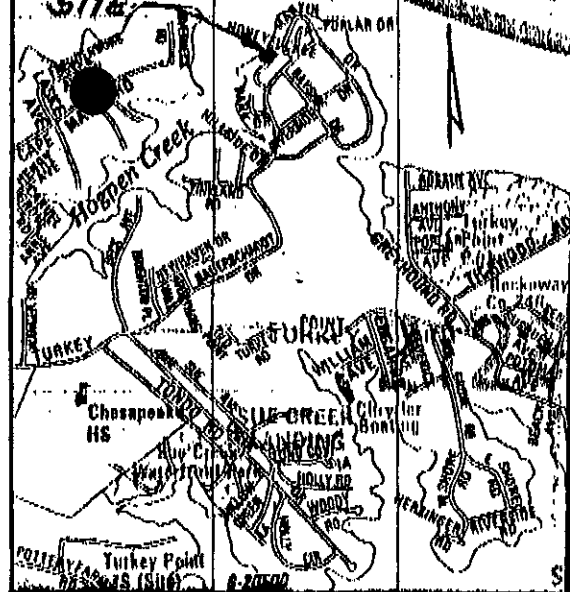
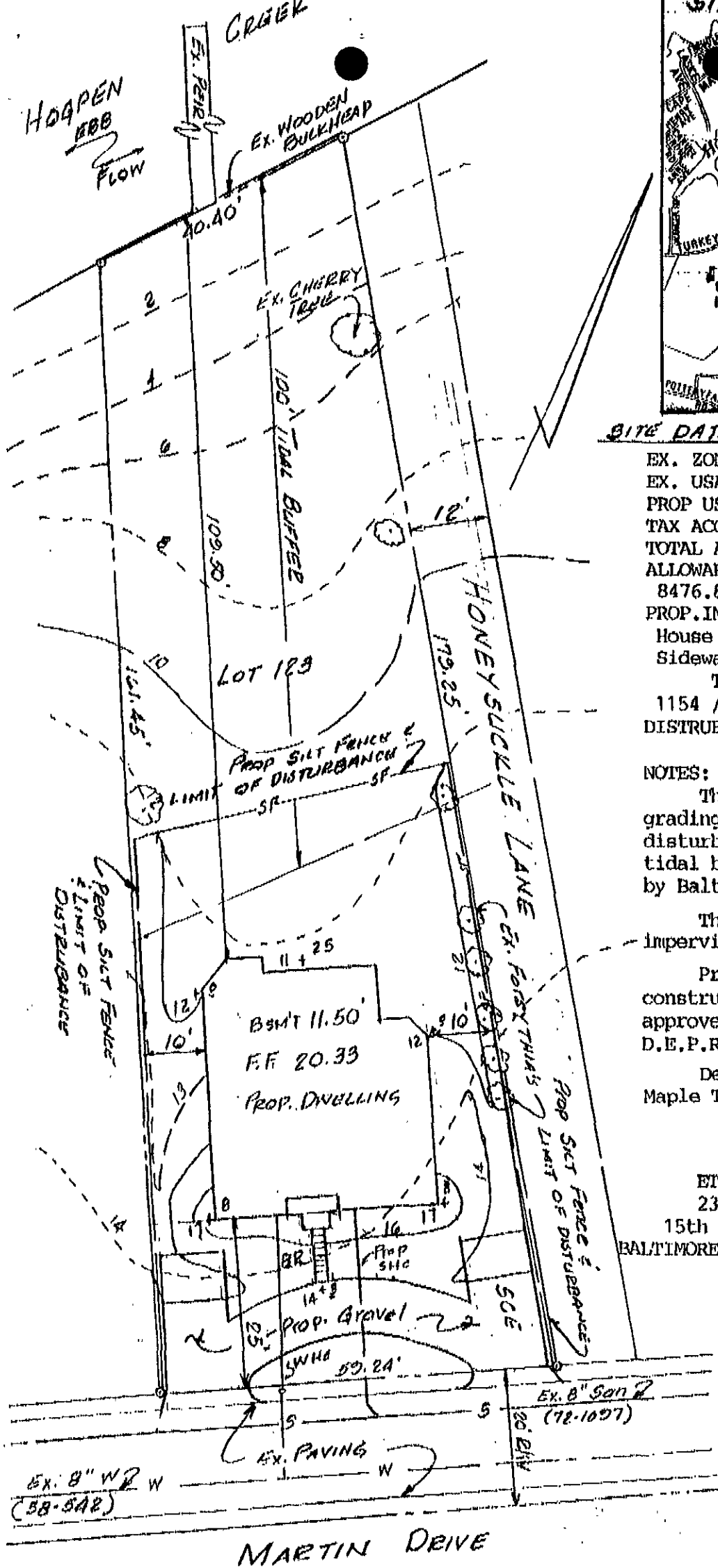
#5: Plat w/ Red lines →  
(101 ft)

#6: Aerial Photo →

#7: Photos relevant to  
#6

#8 B.C. Topographical Map (A)  
B.C. Zoning Map (B)

#9 Photos of Site Distances  
& Intersection



# **SITE DATA**

## **VICINITY MAP**

EX. ZONING.....D.R.- 5.5  
EX. USAGE.....VACANT  
PROP USAGE.....S.F. DWELLING  
TAX ACC.#.....15-11-000262  
TOTAL AREA.....8476.87 s.f.  
ALLOWABLE IMPERVIOUS AREA:  
8476.87 x .25 = 2119 s.f.  
PROP. IMPERVIOUS AREA:  
House Area.....1088 s.f.  
Sidewalk.....66 s.f.  
TOTAL 1154 s.f.  
1154 / 8476.87 = 13.6%  
DISTURBED AREA...4,644 s.f.

### **NOTES:**

There can be no clearing, grading, construction or disturbance of vegetation in the tidal buffer except as permitted by Baltimore County D.E.P.R.M.

There is a 25% limit on impervious surfaces.

Proposed driveways to be constructed of No.2 stone on approved filter fabric per D.E.P.R.M.

Developer to plant two (2) Maple Trees, Min. 1 1/2" cal.

ETHEL B. KAMBERGER  
2322 MARTIN DRIVE  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND 21220

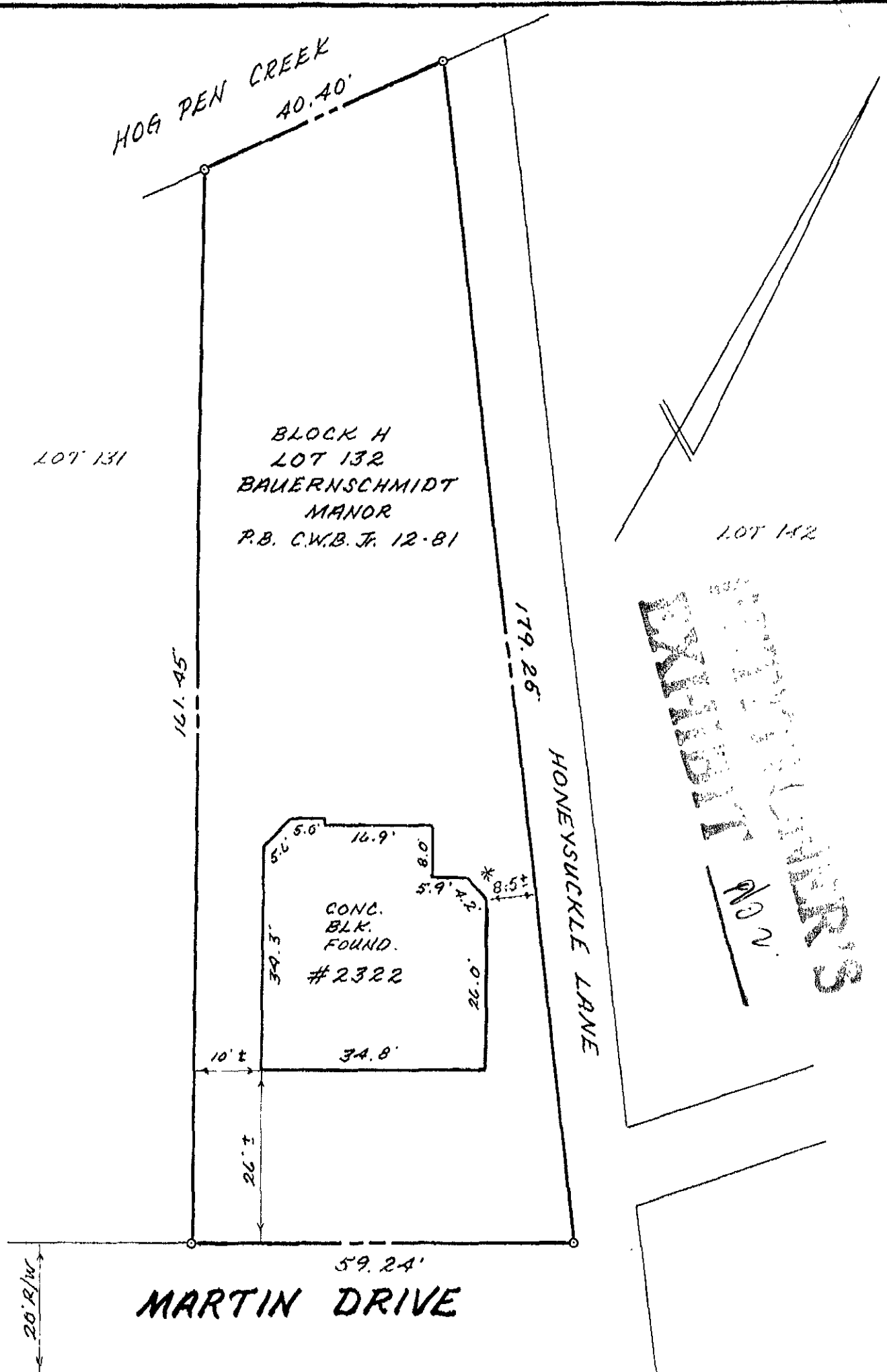
**PETITIONER'S**

**EXHIBIT No 1**

**BPS / land technology, Inc.**  
Engineers & Surveyors

P.O. Box 5814  
Baltimore, MD 21210  
(301) 436-0800

APPLICATION NO.	TITLE CO.	W.T.P.	W.T.P.	1"=20'	5/95	JOB NO.
		DRAWN BY	CHECK BY	SCALE	DATE	



### LOCATION DRAWING

2322 MARTIN DRIVE  
BALTIMORE COUNTY  
MARYLAND

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

This plat is not intended for use in establishing property lines.

**BPS/land technology, inc.**  
Engineers & Surveyors

P.O. Box 5614  
Baltimore, MD 21210  
(301) 435-0800

REV. 9-20-'95 \*





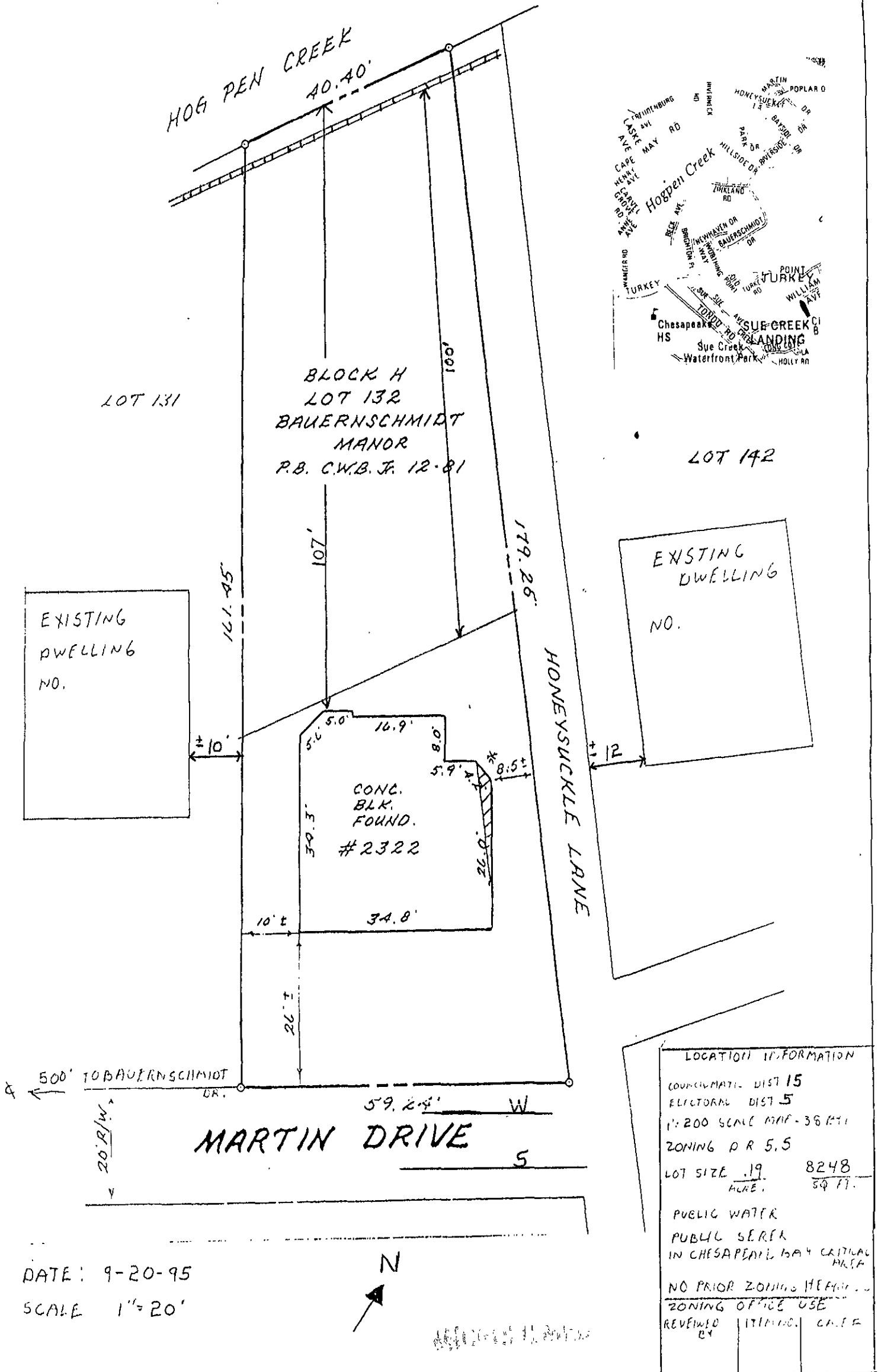
# PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

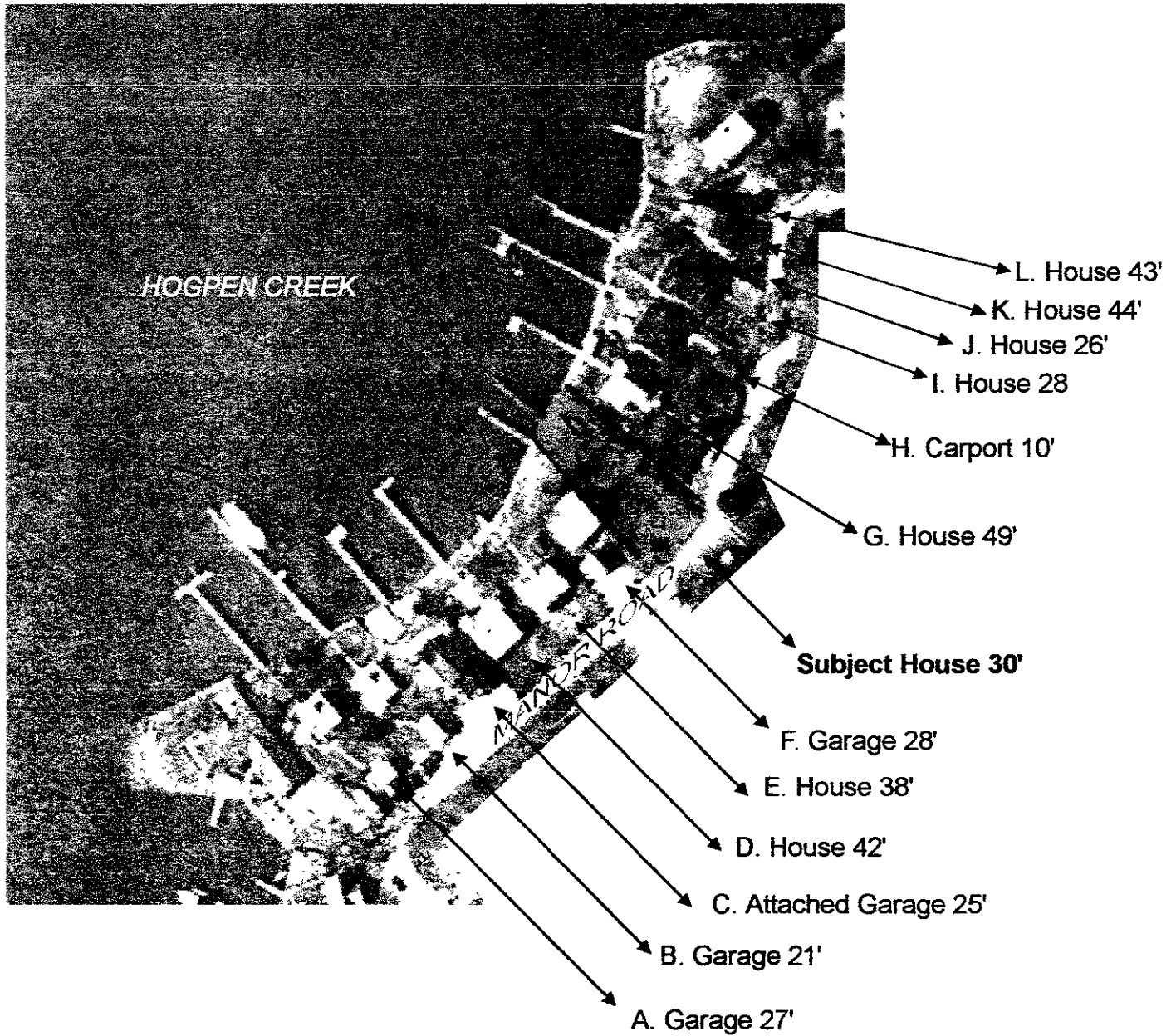
PROPERTY ADDRESS: 2322 MARTIN DRIVE

SUBDIVISION: BAUERNSCHMIDT MANOR

PLAT 12 FOLIO 81, BLOCK H

OWNERS BOB & LEXI GATTA

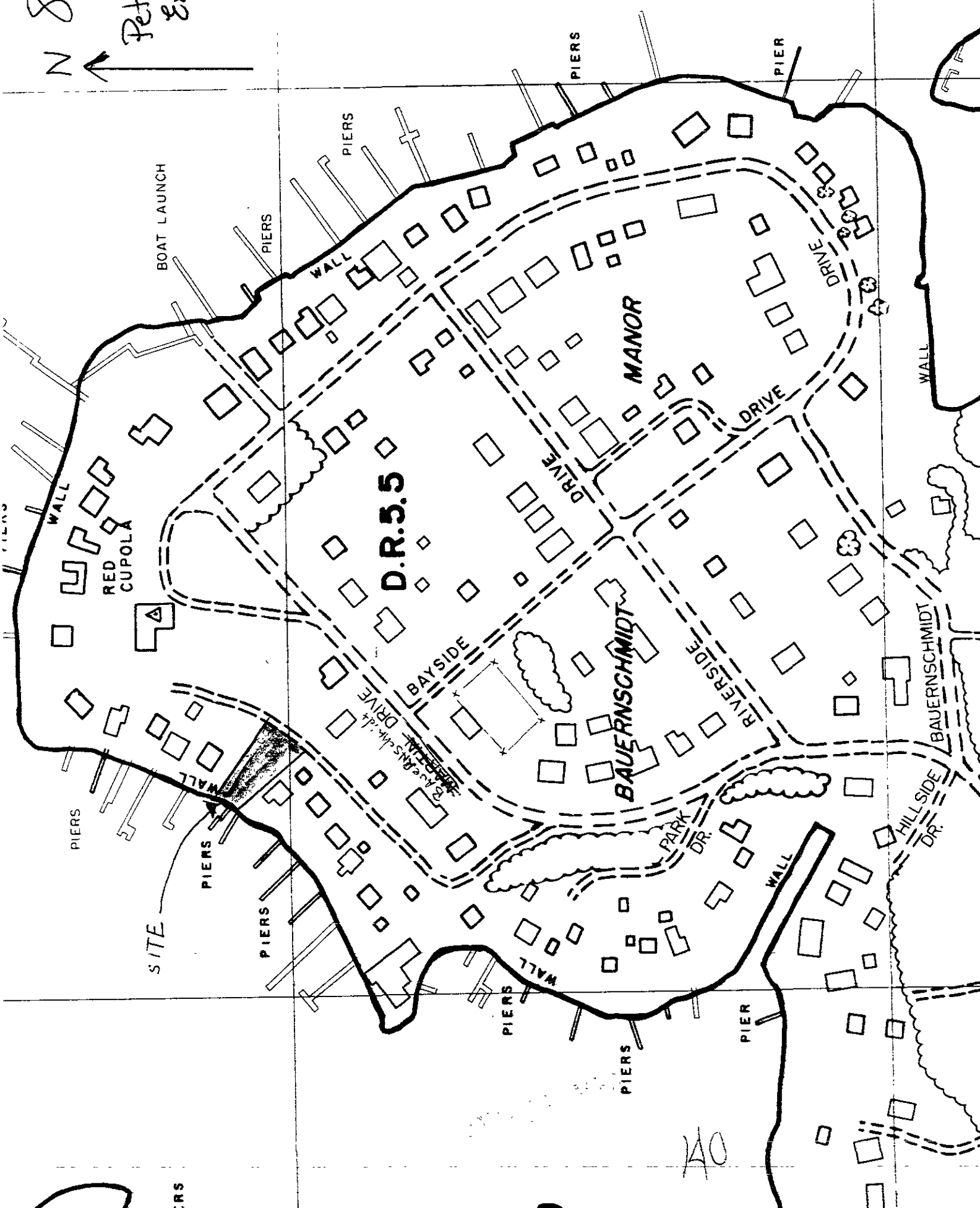


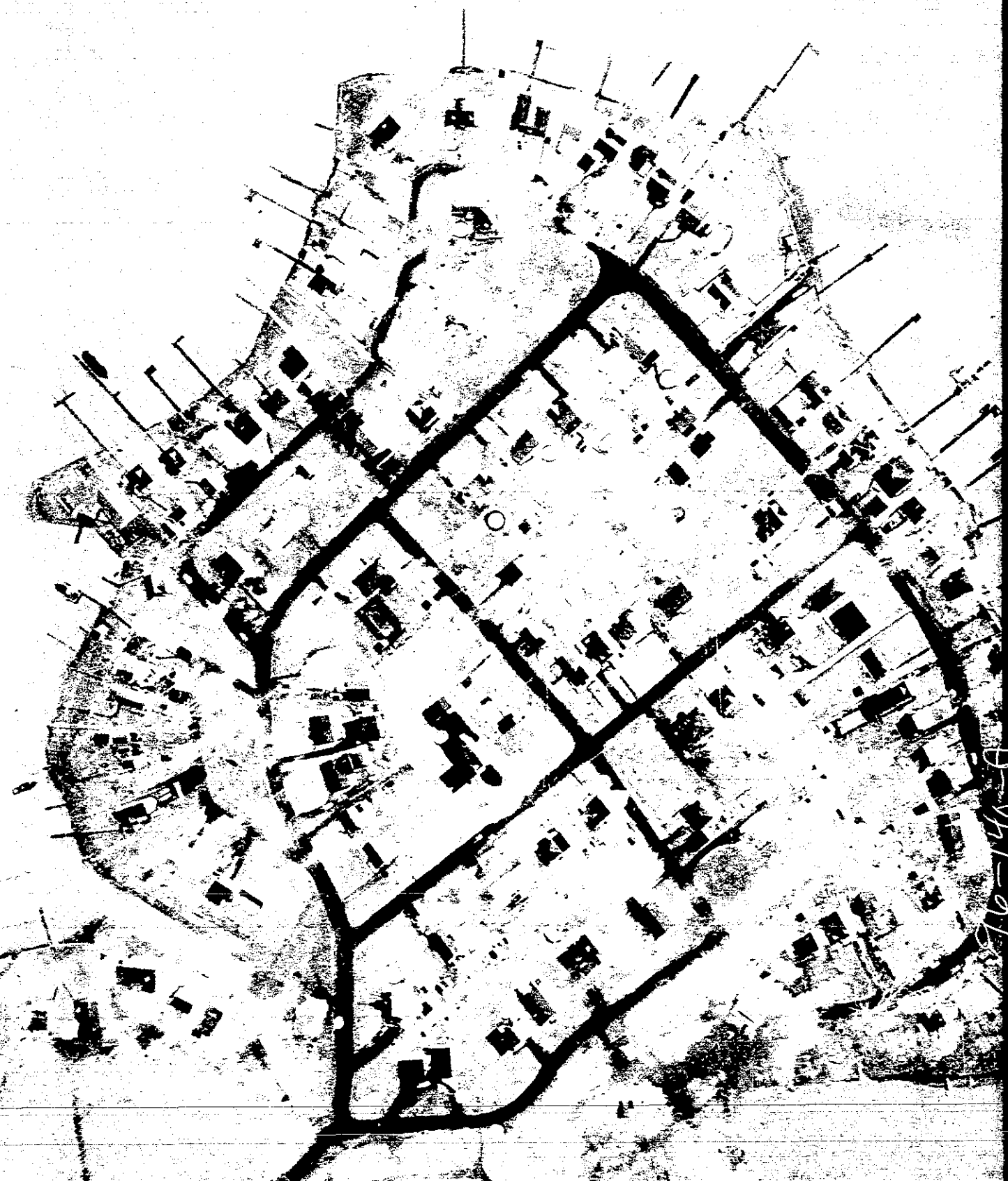


Six homes right and left of subject house showing measurement from edge of Manor Road.

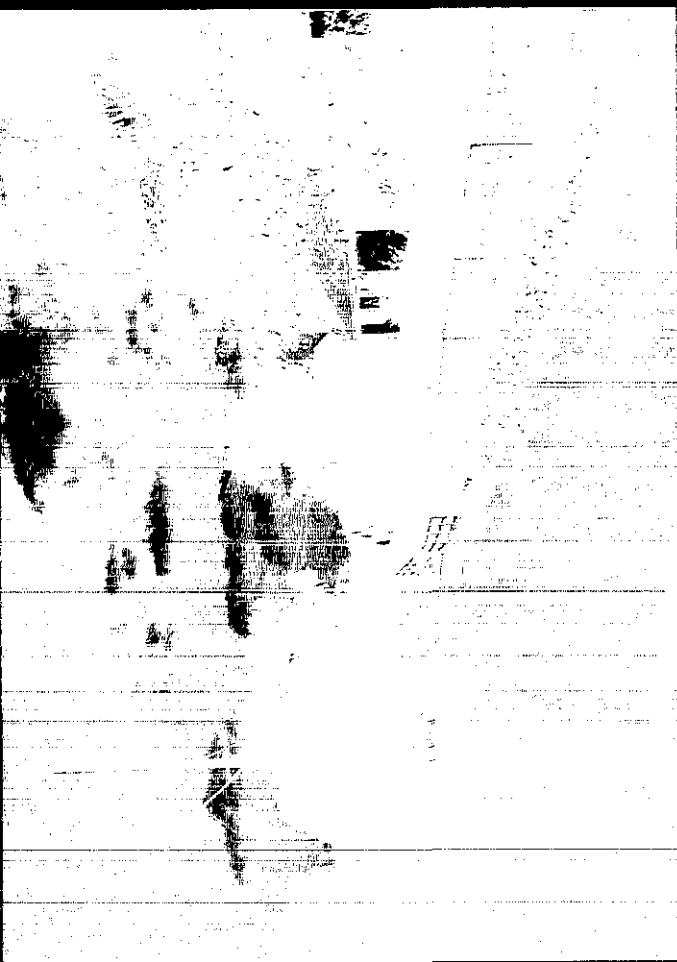
8B  
Petitioners  
Exhibit

76-148-A









Petitioner's Exhibit 9.

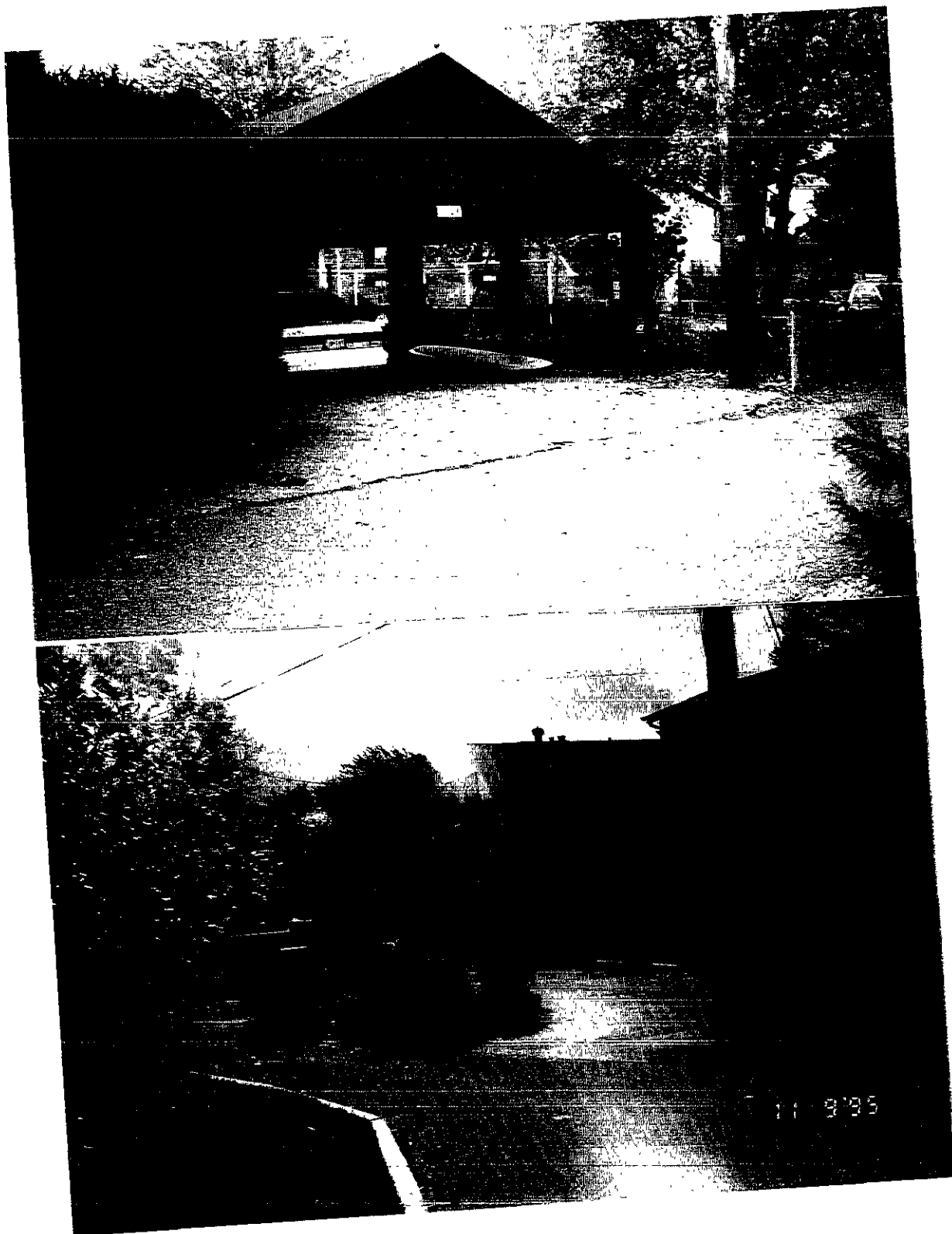
Petitioners Exhibit 7

Photos relevant to Exhibit 6

Case 96-140-A





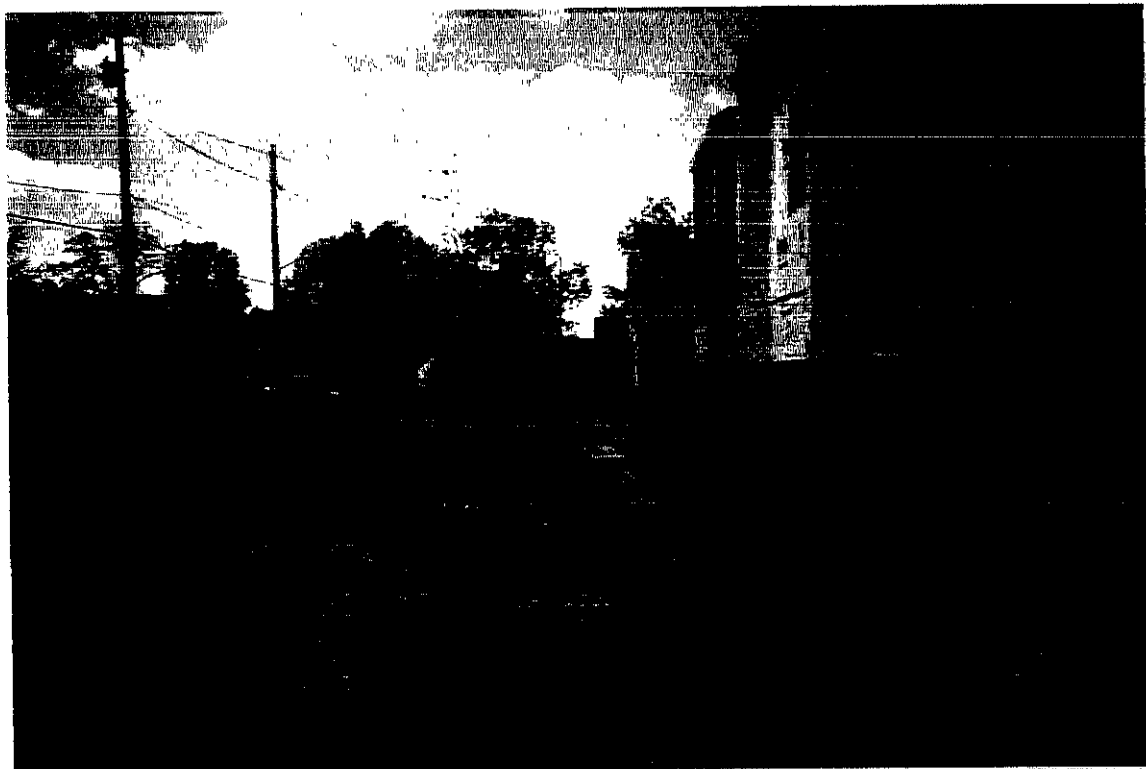


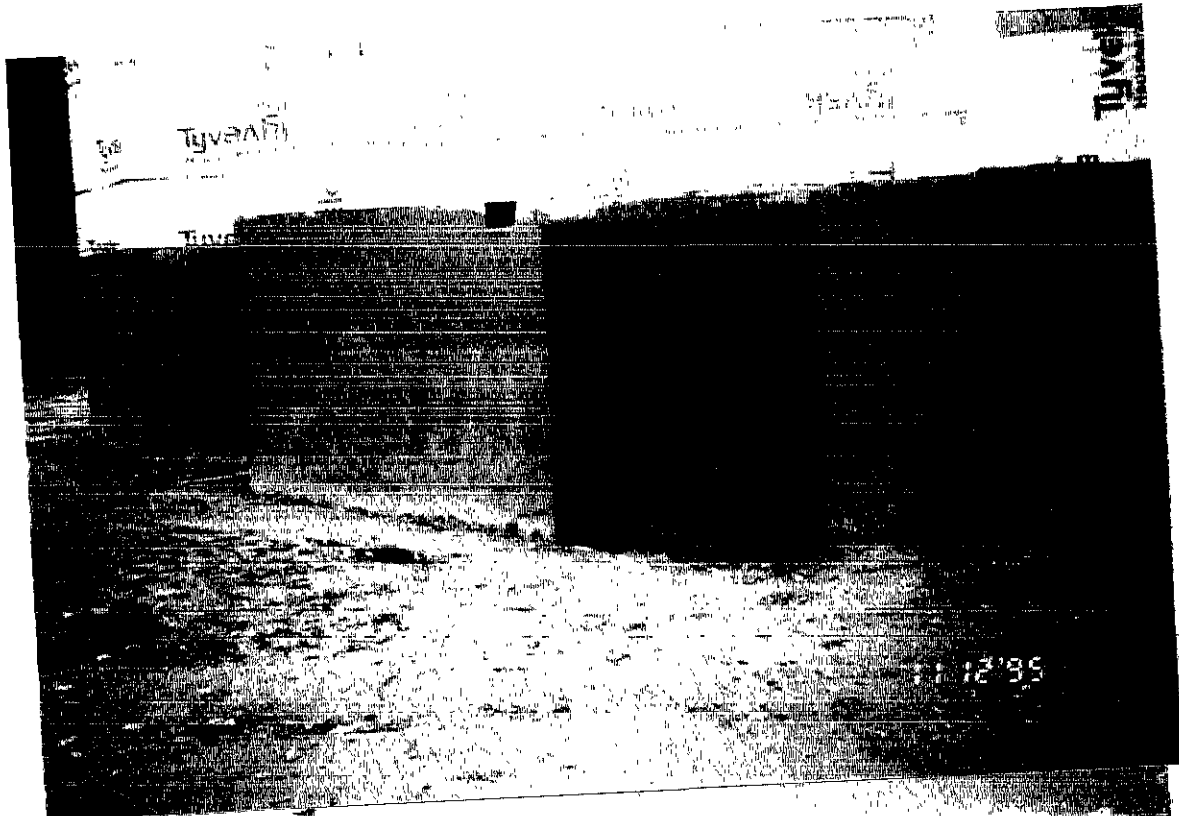


Case 96-140-A

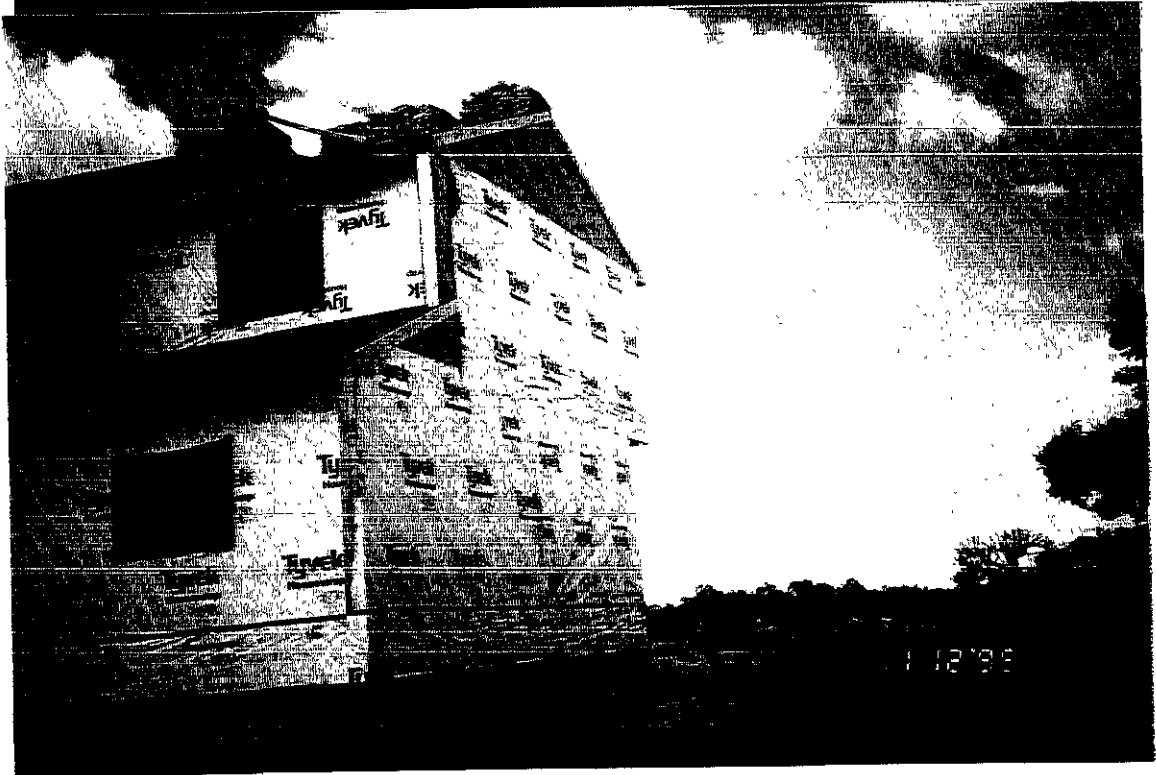
Petitioner's  
Exhibit 3  
(a-o)







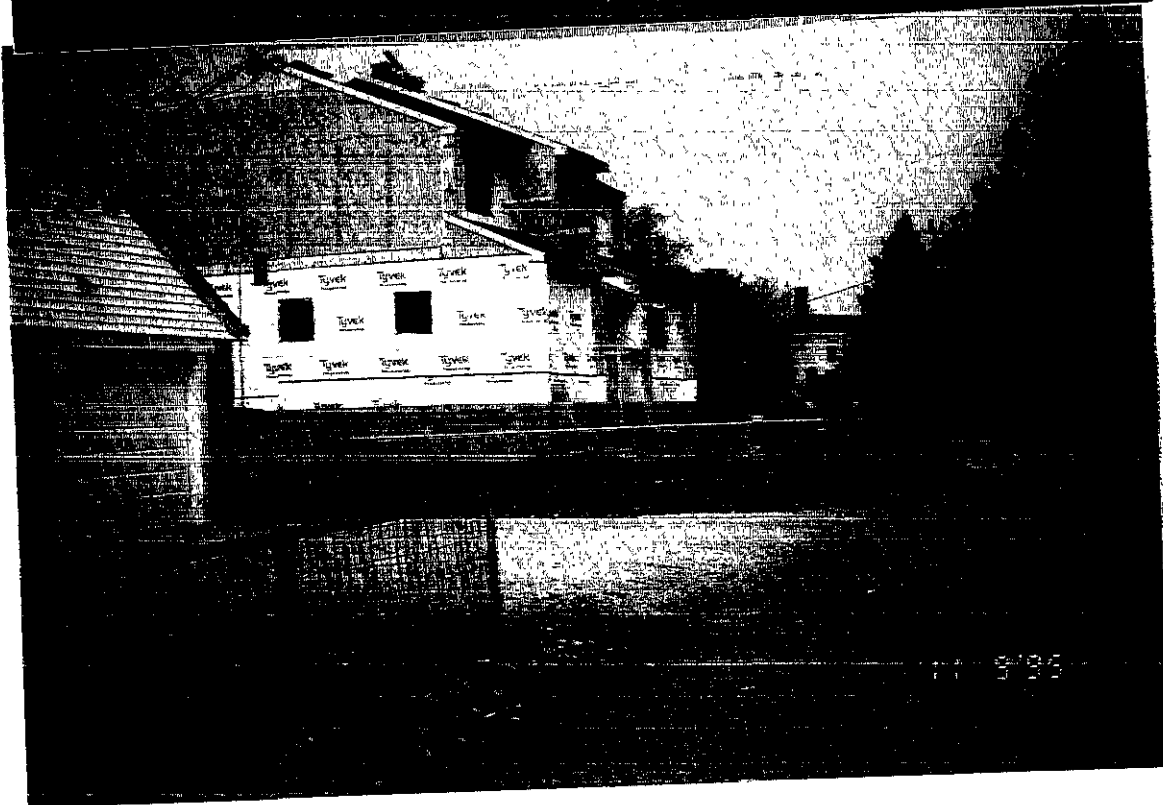




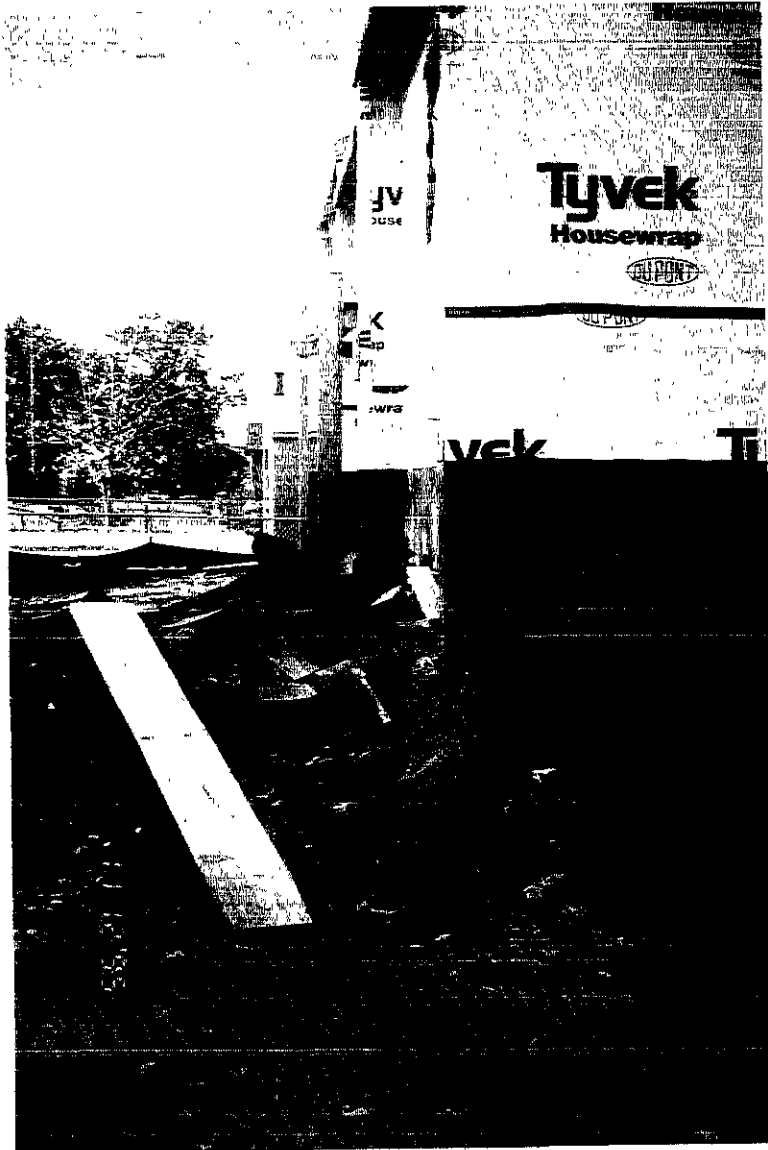




11 18 '93



11 18 '93



IN RE: PETITION FOR VARIANCE  
N/S Martin Drive, 500' E of  
Bauernschmidt Drive  
(2322 Martin Drive)  
15th Election District  
5th Councilmanic District  
Bob Gatta, et ux  
Petitioners  
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-140-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 2322 Martin Drive, located in the vicinity of Turkey Point Road in Essex in the community of Bauernschmidt Manor. The Petition was filed by the owners of the property, Bob and Lexi Gatta. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8.5 feet in lieu of the minimum required 10 feet and a front yard setback of 26 feet in lieu of the required front average of 36 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Bob Gatta, legal owner of the property, Walter T. Parr, Professional Engineer with VPS Land Technologies who prepared the site plan for this project, and Albert C. (Buck) Jones, Builder. Appearing as Protestants in the matter were Dr. James Riceley, Elwood D. Whiteford, and Louis G. and Lorraine Schiesser, Jr., all residents of the surrounding community.

Testimony and evidence offered established that the subject property consists of 8,476.87 sq.ft., more or less, zoned D.R. 5.5 and is a waterfront lot located on Hogpen Creek. The property is long and narrow,

tapering to its most narrow point at the waterfront. More specifically, the lot is approximately 170 feet deep and 59.24 feet wide at roadside and 40.4 feet wide at the water. Testimony revealed that Mr. & Mrs. Gatta acquired the subject property in May, 1995. They also purchased a lot with a dwelling thereon located across the street from the subject site. The Petitioners wish to develop the subject property with a single family dwelling in accordance with Petitioner's Exhibit 1. The proposed dwelling, which will be approximately 34.8 feet wide and 34.3 feet deep, has already been situated on the lot to maintain a 100-foot buffer setback from the closest exterior to the bulkhead at the waterline. This distance is being maintained in order to comply with Chesapeake Bay Critical Areas requirements. In fact, the house has been laid out and construction has begun, with the exterior of the dwelling substantially completed and under roof. Apparently, after the first phase of construction, a survey was undertaken as required by the Gatta's lender. The survey disclosed that the exterior wall on the northeast side of the dwelling is 8.5 feet from the side property line and a 26-foot setback is maintained from the dwelling to the Martin Drive right-of-way, thereby necessitating the requested variances.

On behalf of the Petitioners, testimony was offered that the house was sited at the only location on this lot where practical. It was argued that the house cannot be located closer to the water because of Critical Areas requirements. Also, strict adherence to the required side yard setbacks would eliminate any practical development of the lot, due to the narrowness of the property and its taper towards the water. It is also to be noted that the side yard setback at issue is measured from Honeysuckle Lane, a paper street adjacent to the property. In the field, the distance between the side of the house at issue and the neighboring dwelling

is greater on that side than on the western side, owing to the paper street.

The Protestants who appeared are primarily concerned about access to other houses on Martin Drive and the aesthetics of the proposed construction. As shown in numerous photographs submitted as well as the site plan for this property, Martin Drive continues in an "S" like configuration east of the subject site. Vehicles approaching this turn from that direction have a limited sight distance. Moreover, the Protestants are concerned over the possibility that emergency vehicles may not have sufficient access to structures east of the subject property on Martin Drive.

Addressing first the side yard setback requested, I am persuaded that same should be granted. The requested setback is minor, only approximately 18 inches from that required. From a practical standpoint, a significant distance is being maintained on the east side between the proposed dwelling and the dwelling on the adjacent lot. As noted above, the paper street separates those houses and the adjacent property maintains a 12-foot side yard setback as shown on the site plan. For these reasons, it is clear that a variance from the side yard setback requirements will not detrimentally impact surrounding properties.

As to the practical difficulty and uniqueness requirements, these are found based on the configuration of the property. Placing the house closer to Martin Drive would necessitate even a greater front yard variance and would place the house too close to the road. In my judgment, the house appears to be situated in the proper place, by maintaining the necessary buffers pursuant to the Chesapeake Bay Critical Areas requirements while allowing a reasonable setback towards the road.

The other setback requested relates to a 26-foot setback between the dwelling and the road. In the Petition, this variance is labeled as a

variance from front yard setback requirements, and is calculated based upon the average front distances between the road and adjoining dwellings. Although the Petition was filed with the assistance of the Permits and Development Management (PDM) office, I believe it was incorrectly filed. The Office of the Zoning Commissioner, the County Board of Appeals, and the Circuit Court of this County have frequently considered waterfront properties. Baltimore County is a unique jurisdiction in that it enjoys a lengthy coastline, much of which is developed and has been for many years. Waterfront lots are unique properties. Nearly all houses constructed on waterfront lots are oriented towards the water so that the residents thereof can enjoy the unique benefits associated with waterfront property. In nearly every decision rendered by this Zoning Commissioner, prior Commissioners, the Board of Appeals and the Judges of the Circuit Court for Baltimore County, it has been held that the front yard of waterfront property is that portion of the lot between the house and the water. It would require a unique circumstance, which does not exist here, for me to conclude that the setback area between the dwelling and the road should not be considered the rear yard.

I believe that the generally accepted interpretation is the correct one and should be applicable here. Thus, the need for a front yard variance in this case is moot in that the 100-foot distance between the house and the water is more than necessary to meet the requirements of the B.C.Z.R. However, the Petitioner does need relief as it relates to the distance between the house and the road. Having determined that the front of the house faces the water, the distance between the house and Martin Road constitutes the rear yard. Under the applicable provisions of the B.C.Z.R., a 30-foot rear yard distance must be maintained. This is greater

ORDER RECEIVED FOR FILING  
Date 12/1/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/1/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/1/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/1/95  
By [Signature]

than the 26 feet provided on the site plan, thus, a variance to rear yard setback requirements is necessary.

Again, based on the site constraints described, namely, the size and irregular shape of the lot, I am persuaded that variance relief should be granted. Moving the house closer to the water would infringe on the front yard setback and result in a greater variance being needed as it relates to the side yards. In my view, the location of the house at the present time is appropriate and proper. Moreover, the Petitioner's request for variance meets the requirements of Chesapeake Bay Critical Areas regulations and is supported by the Department of Environmental Protection and Resource Management (DEPRM) as evidenced by their Zoning Plans Advisory Committee (ZAC) comments dated October 17, 1995.

Despite granting the variance, I am appreciative of the neighbors' concerns as they relate to sight distance and access of emergency vehicles to other properties along Martin Drive beyond this site. Section 307 of the B.C.Z.R. requires that variance relief can be granted only if same will not detrimentally affect surrounding properties. Thus, insuring sufficient vehicular and emergency access to other nearby dwellings is a proper concern. In examining the location of the house where sited, it is clear that same does not block vehicular access. A full 26 feet is left between the house and the road, and there is more than sufficient distance to provide proper access. However, the Petitioner will not be permitted to make additional improvements within the rear yard of his property facing the road. Construction of a garage or carport, for example, would unduly block the sight lines. Thus, for these reasons, variance relief will be granted, but restricted so as to prohibit any future development in the rear yard, whether temporary or permanent.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December, 1995 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8.5 feet in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a rear yard setback of 26 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The granting of this relief is conditional in that the Petitioner shall not be permitted to make any additional improvements in the rear yard of his property facing the road, whether or not such improvements are temporary or permanent in nature.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and a front yard setback of 26 feet in lieu of the required front average of 36 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

LES:bjjs

ORDER RECEIVED FOR FILING  
Date 12/1/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-4386  
December 4, 1995

Mr. & Mrs. Bob Gatta  
2304 Bauernschmidt Drive  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
N/S Martin Drive, 500' E of Bauernschmidt Drive  
(2322 Martin Drive)  
15th Election District - 5th Councilmanic District  
Bob Gatta, et ux - Petitioners  
Case No. 96-140-A

Dear Mr. & Mrs. Gatta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjjs

cc: Mr. Albert C. Jones, 500 Vogts Lane, Baltimore, Md. 21221

Mr. Elwood D. Whiteford, 2320 Martin Drive, Baltimore, Md. 21221

Mr. & Mrs. Louis G. Schiesser, Jr.,  
2328 Martin Drive, Baltimore, Md. 21221

Kelly Kramer  
21 W. Susquehanna Avenue, Baltimore, Md. 21204

People's Counsel; Case File

Petition for Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 2322 Martin Drive  
96-140-A which is presently zoned DR55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The Petitioner shall file a copy of the Petition with the Office of Zoning Administration & Development Management. The Petitioner shall file a copy of the Petition with the Office of Zoning Administration & Development Management. The Petitioner shall file a copy of the Petition with the Office of Zoning Administration & Development Management.

To allow a side yard setback of 8.5 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required 36-foot front average.

The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate reason(s) or section(s) of the Zoning Regulations.)

The house was constructed with the northern corner projecting 1 1/2" beyond the building envelope. The house would need to be torn down and started over to bring it to compliance.

Property is to be posted and advertised as prescribed by Zoning Regulations. The Petitioner agrees to pay expenses of above variance advertising, posting, etc., upon filing of this petition and further agrees to and shall be bound by the zoning regulations and restrictions of Baltimore County applicable to the Zoning Law for Baltimore County.

Legal Counsel:  
Bob Gatta  
Lexi Gatta  
2304 Bauernschmidt Drive  
Baltimore, MD 21221  
Albert C. Jones  
500 Vogts Lane  
Baltimore, MD 21204

A Public Hearing having been requested and held, and the same being held in accordance with the Zoning Regulations of Baltimore County, the following is the decision of the Zoning Commissioner of Baltimore County:

RECOMMENDATION: CAH DATE 28 Sept 95  
1 hr hearing  
any all  
ITEM # 140

ORDER RECEIVED FOR FILING  
Date 12/1/95  
By [Signature]

# EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 2322 Martin Drive  
(address)  
Election District 15 Councilmanic District 5

Beginning at a point on the North side of Martin Dr.  
(north, south, east or west)  
which is 20 feet wide  
(number of feet of right-of-way width)  
wide at a distance of 500' East of the  
(number of feet) (north, south, east or west)  
centerline of the nearest improved intersecting street Bauernschmidt Dr.  
(name of street)  
which is 40 feet wide wide. \*Being tot #132.  
(number of feet of right-of-way width)

Block H Section # N/A in the subdivision of  
Bauernschmidt Manor as recorded in Baltimore County Plat  
(name of subdivision)  
Book # 12, Folio # 81, containing  
8,248 sq. ft. or .19 acres  
(square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber # Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

7

## NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning change in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case #6-140-A (Item 140)  
2322 Martin Drive  
15th Election District  
5th Councilmanic District  
Legal Owner: Bob Gatta and Lexi Gatta  
Bob Gatta and Lexi Gatta

Variance to allow a side yard setback of 8.5 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required 36 feet front average.

Hearing: Monday, November 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.  
(2) or information concerning the file and/or hearing, please call 887-3391.  
10/20/95 Oct. 19.

## CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. Henickson  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 007888

DATE: 28 Sept 95 ACCOUNT: R-001-6150 CTR

Item # 140 AMOUNT: \$ 85.00

RECEIVED FROM: Free-STATE General Contracting

FOR: Residential variance # 2322 Martin Dr

96-146-A 0348380290H14RC \$85.00  
BA C003733P007-28-95

VALIDATION OR SIGNATURE OF CARRIER  
WHITE - CARRIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 867-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 140  
Petitioner: BUCK JONES  
Location: 2422 MARTIN DRIVE  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: BUCK JONES  
ADDRESS: 500 VOGTS LANE  
BALT MD 21221  
PHONE NUMBER: 574-9337

AJ:ggg

(Revised 04/09/93)

TO: PUTNUT PUBLISHING COMPANY  
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

Buck Jones  
500 Vogts Lane  
Baltimore, MD 21221  
574-9337

## NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 96-140-A (Item 140)  
2322 Martin Drive  
N/S Martin Drive, 500' E of Bauernschmidt Drive  
15th Election District - 5th Councilmanic  
Legal Owner: Bob Gatta and Lexi Gatta

Variance to allow a side yard setback of 8.5 feet in lieu of the required 10 feet and a front yard setback of 26 feet in lieu of the required 36 foot front average.

HEARING: MONDAY, NOVEMBER 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 12, 1995

## NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 96-140-A (Item 140)  
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N/S Martin Drive, 500' E of Bauernschmidt Drive  
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HEARING: MONDAY, NOVEMBER 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Bob and Lexi Gatta  
Albert C. Jones

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1995

Mr. and Mrs. Bob Gatta  
2304 Bauernschmidt Drive  
Baltimore, MD 21221

RE: Item No.: 140  
Case No.: 96-140-A  
Petitioner: B. Gatta, et ux

Dear Mr. and Mrs. Gatta:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
October 17, 1995

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #140 - Gatta Property  
2322 Martin Drive  
Zoning Advisory Committee Meeting of October 10, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

DEPRM supports this setback variance petition as it would allow the house to exist outside of the 100 ft. buffer by allowing a 26 ft. front yard setback in lieu of the required 36 feet. DEPRM has no comments on the side yard setback variance.

JLP:GS:sp

GATTA/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: Oct. 18, 1995

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for October 16, 1995  
Item No. 140

The Development Plans Review Division has reviewed the subject zoning item. Martin Drive is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 40-foot right-of-way. Show the ultimate 40-foot right-of-way on the plat.

RWB:GW



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

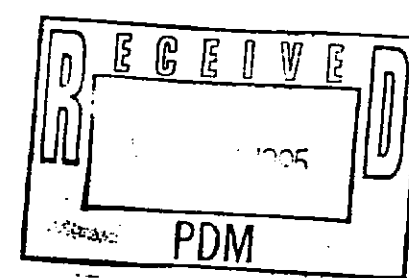
LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139, 140, 141, 142 AND 144.



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4581, MS-1102F

cc: File



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 4, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Caryl L. Kerns*

PK/JL

ITEM123/PZONE/ZAC1



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 140 (CAM)

Dear Ms. Watson,

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2259 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#133 --- MJK

1. No telephone number for legal owner.

#136 --- JRA

1. No zoning on petition form.

#137 --- JRA

1. Folder was not marked critical area.

#139 --- MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

#140 --- CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

#141 --- MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser, along with power of attorney.

#142 --- CAM

1. No review information on bottom of petition form.

#143 --- JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS  
*Edward K. Whiteford* 2320 MARTIN DR 21221  
*Louis G. Schiessen*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

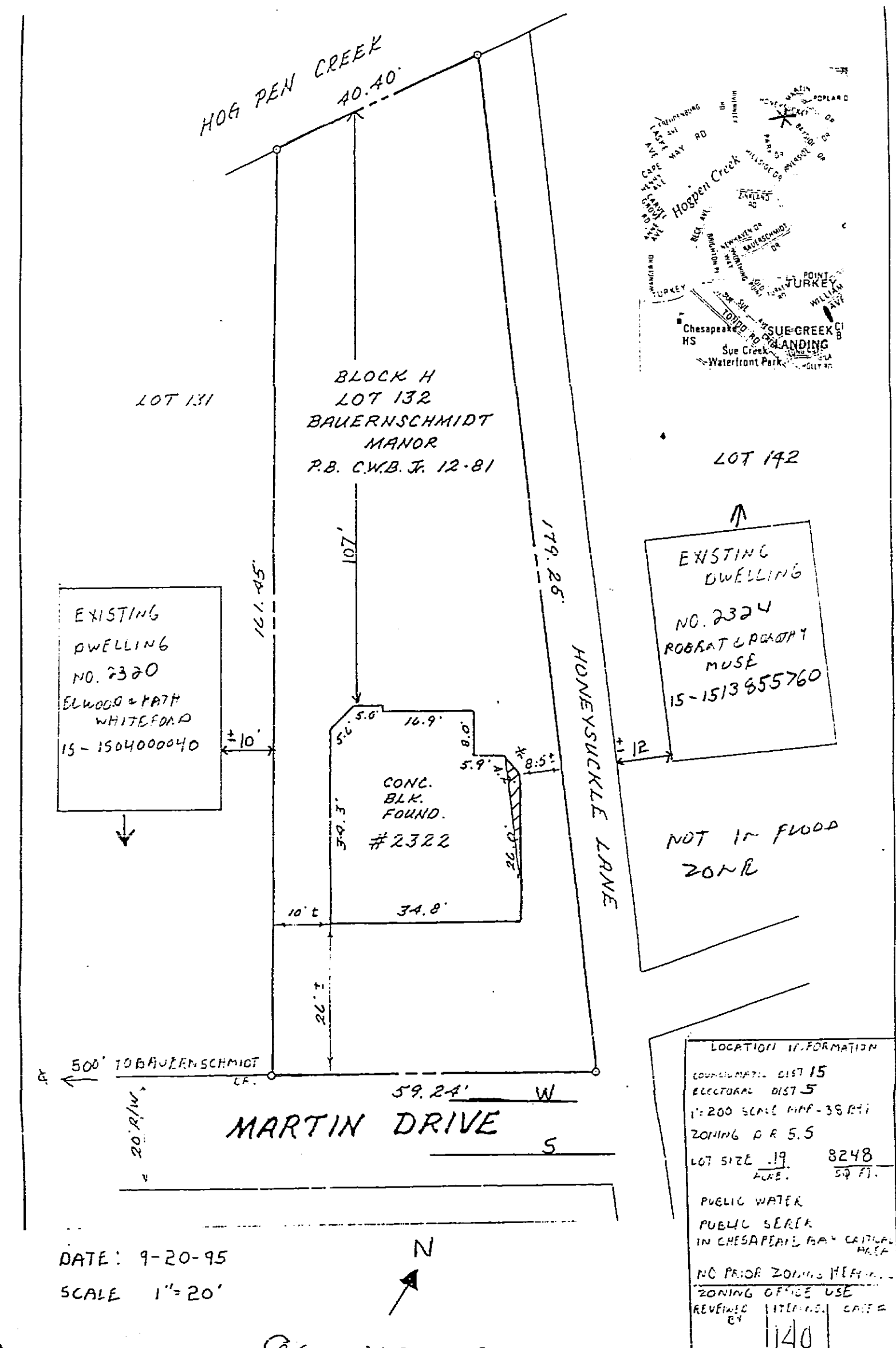
NAME ADDRESS  
*Walter T. Felt* 1602 BRAWNSCHMIDT ST BALTIMORE MD  
*Bob Carter* 224 BRAWNSCHMIDT DR  
*Buck Jones* 500 VOLCT'S LANE 21221

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME ADDRESS  
*Kelly Korman on behalf* 2142 Susquehanna Ave  
*of Dr. James Kelly* TOWSON MD 21204  
*and Margaret Kelly*  
*Terrence Schiessen* 2327 Trantien Dr 21221

FLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE  
PROPERTY ADDRESS 2322 MARTIN DRIVE  
SUBDIVISION: BRAWNSCHMIDT MANOR  
PLAT 13, PLOID 81, BLOCK H  
OWNERS BOB & LEXI GATA



DATE: 9-20-95  
SCALE 1"=20'

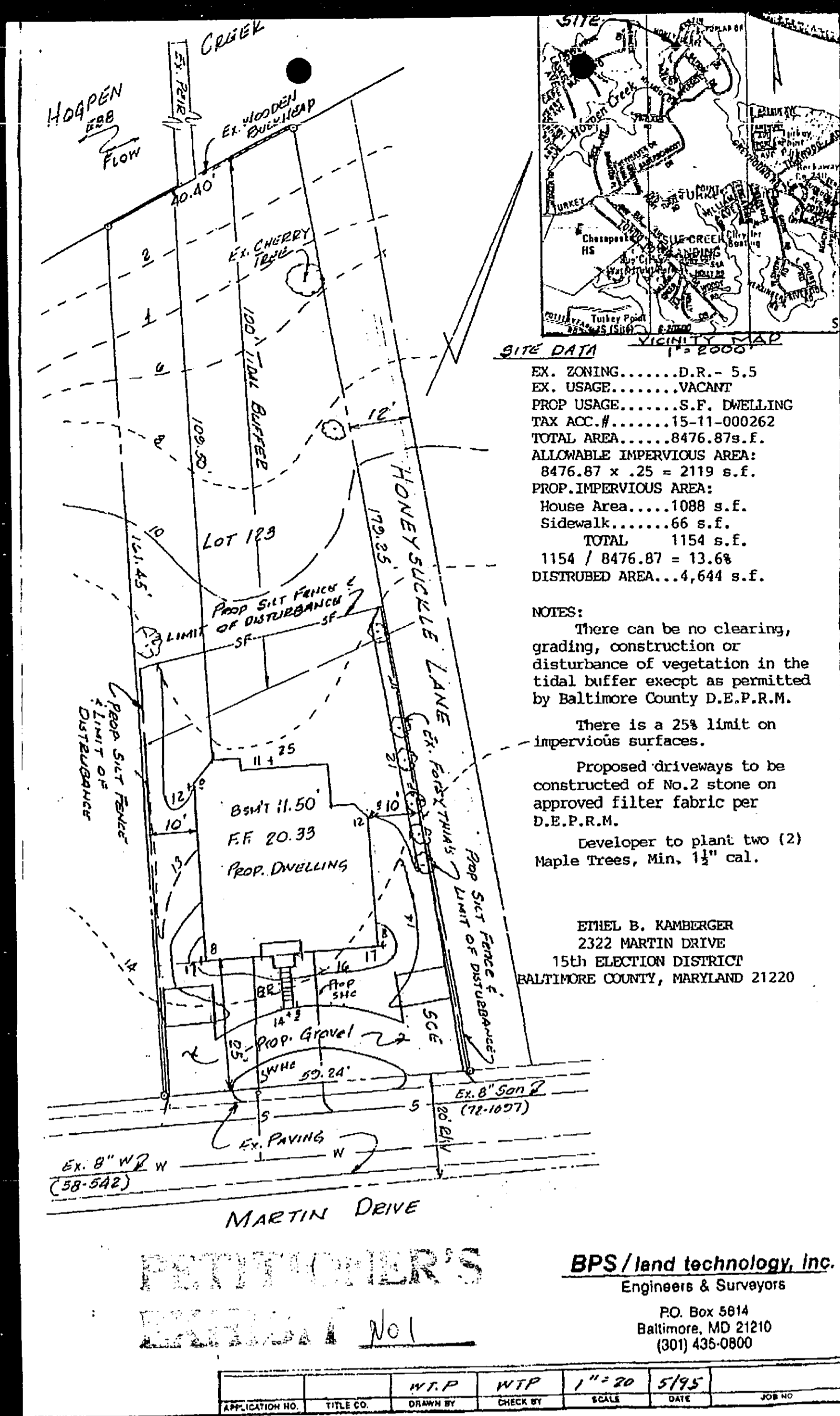
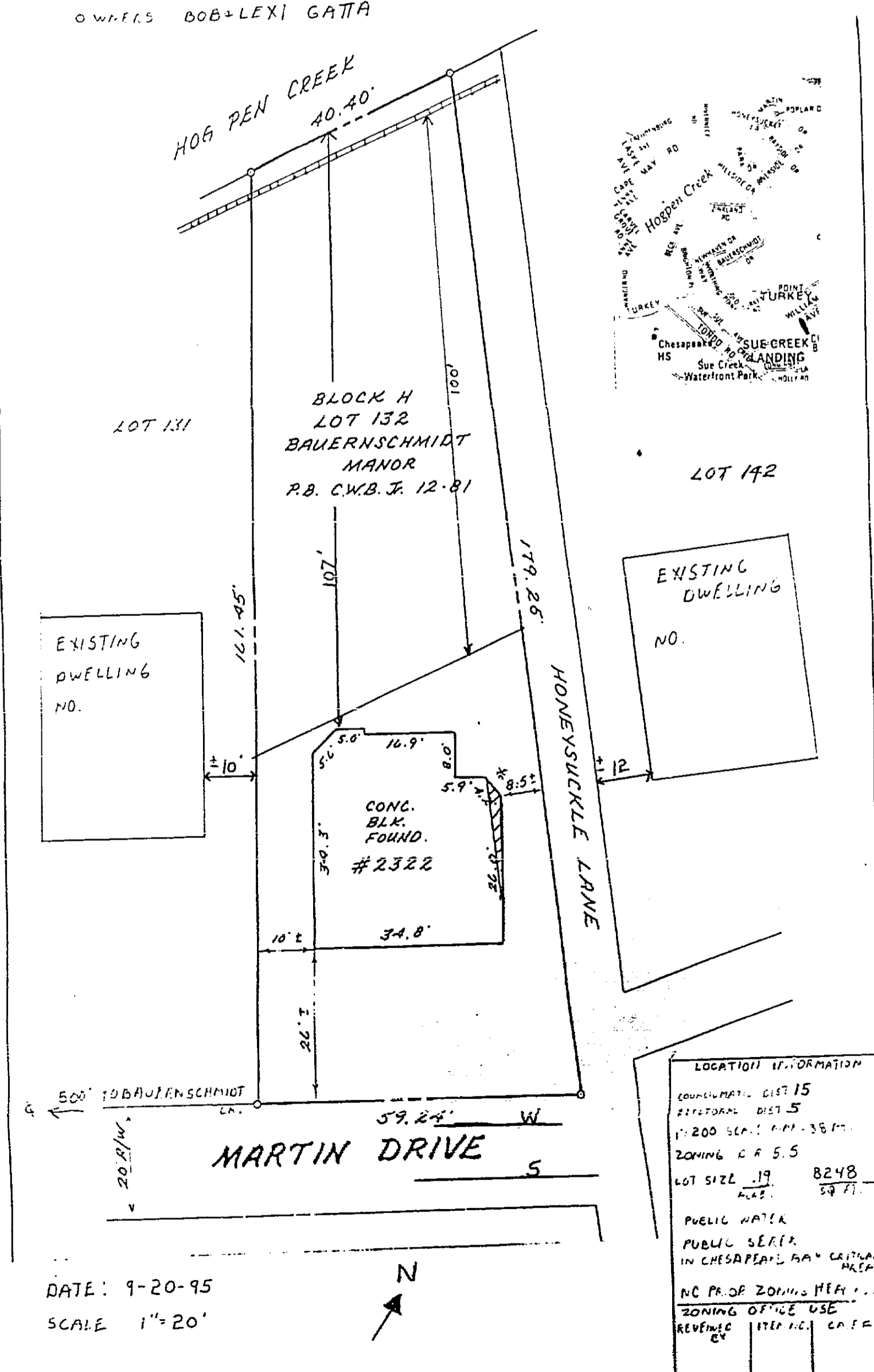
96-140-A

Exhibit:

Exhibits:

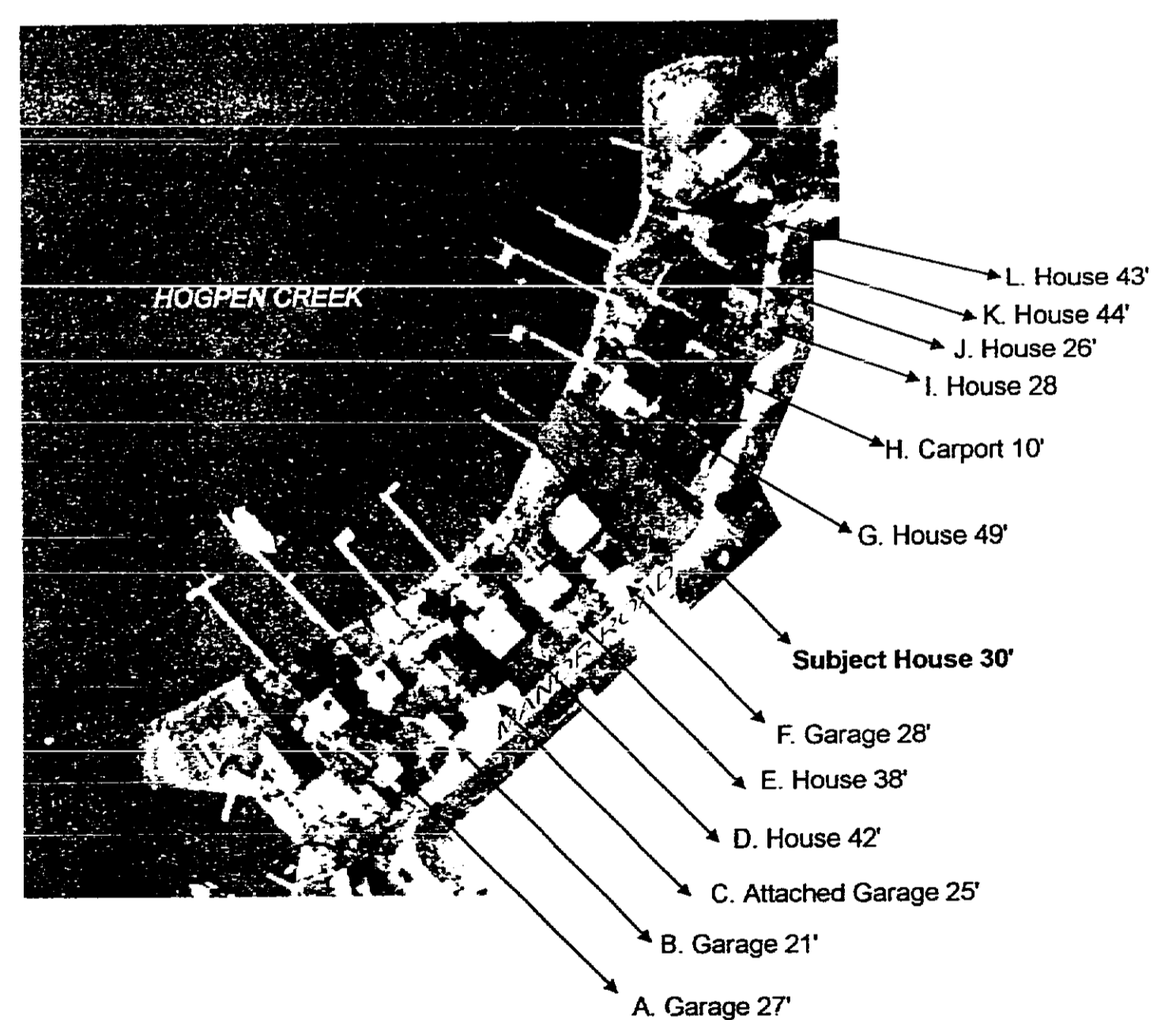
- #1. Original Plat
- #2. Plat submitted to Bank
- #3. Photos of Building 3a - 3c
- #4. Plat w/ Honesuckle Lane in Park
- #5. Plat w/ Red Line → (101 ft)
- #6. Aerial Photo →
- #7. Photos relevant to #6
- #8. B.C. Topographical Map (A)  
B.C. Zoning Map (B)
- #9. Photos of Site Entrance & Intersection

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE  
PROPERTY ADDRESS: 2322 MARTIN DRIVE  
SUBDIVISION: BAUERNSCHMIDT MANOR  
PLAT 12, FOLD 81, BLOCK H  
OWNERS: BOB & LEXI GATTA

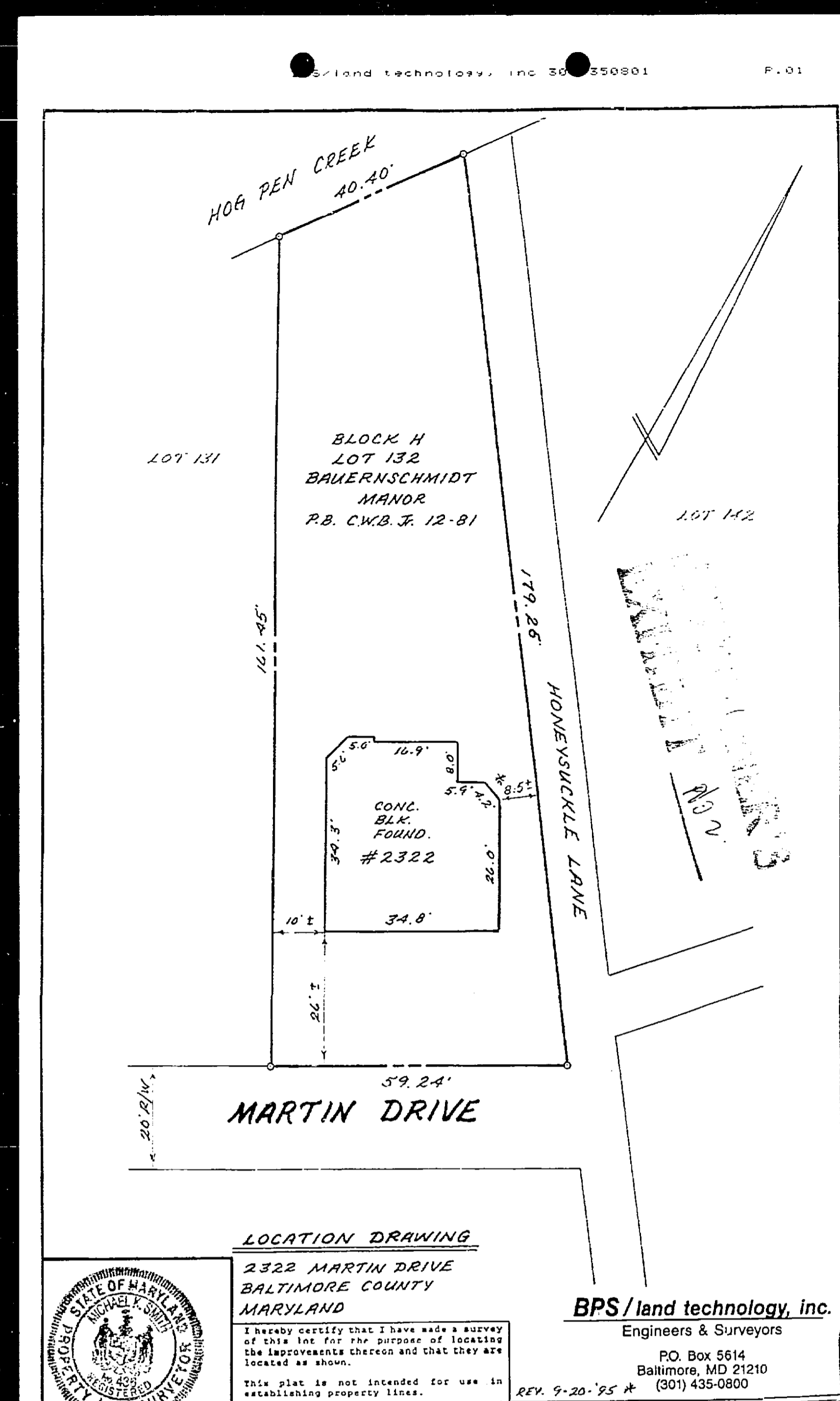


BPS/land technology, Inc.  
Engineers & Surveyors  
P.O. Box 5614  
Baltimore, MD 21210  
(301) 435-0800

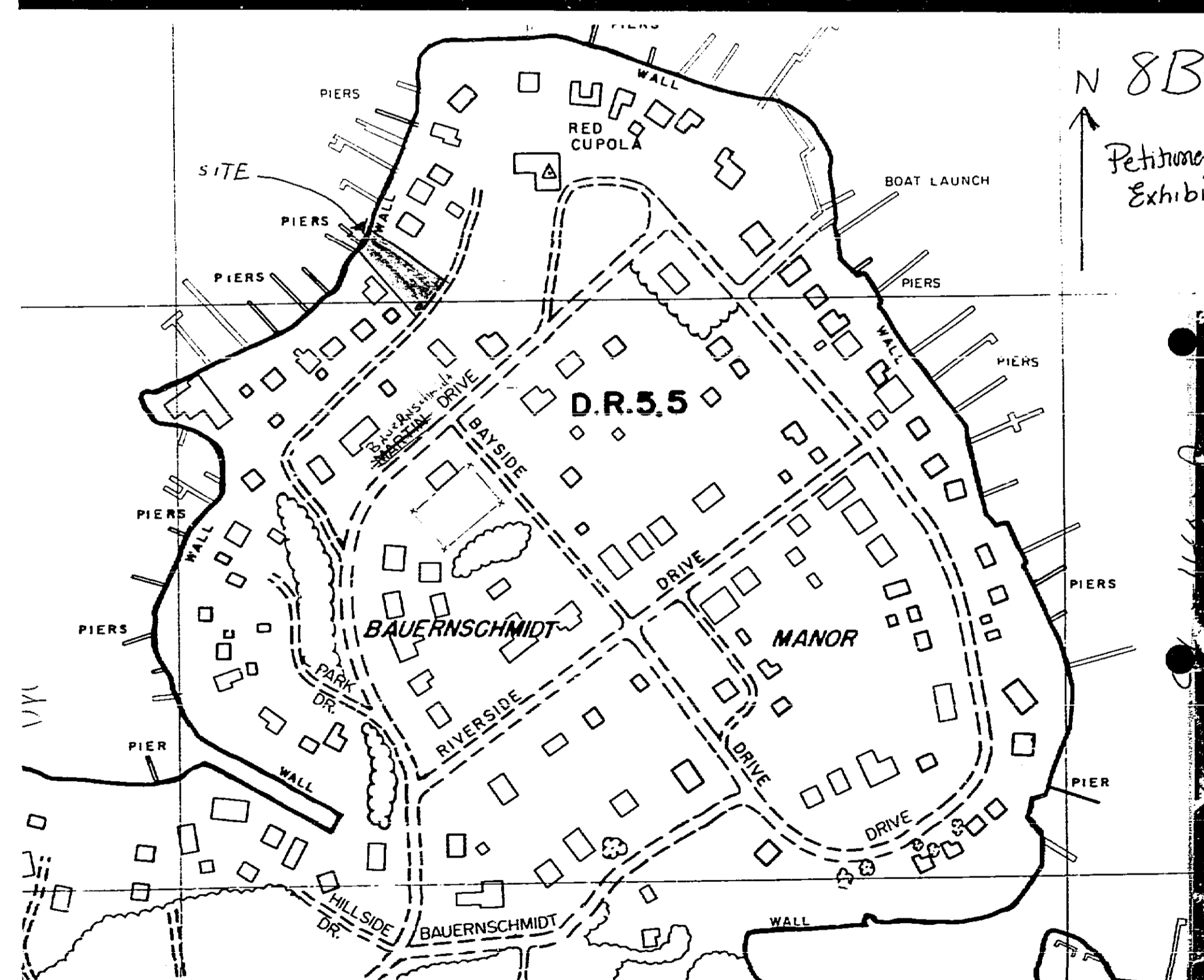
Petitioner's Exhibit 6



Six homes right and left of subject house showing measurement from edge of Manor Road.



BPS/land technology, Inc.  
Engineers & Surveyors  
P.O. Box 5614  
Baltimore, MD 21210  
(301) 435-0800



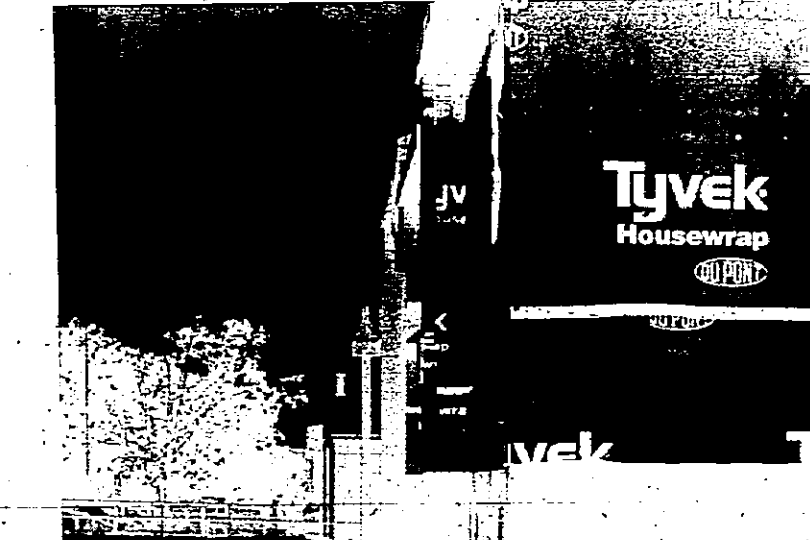
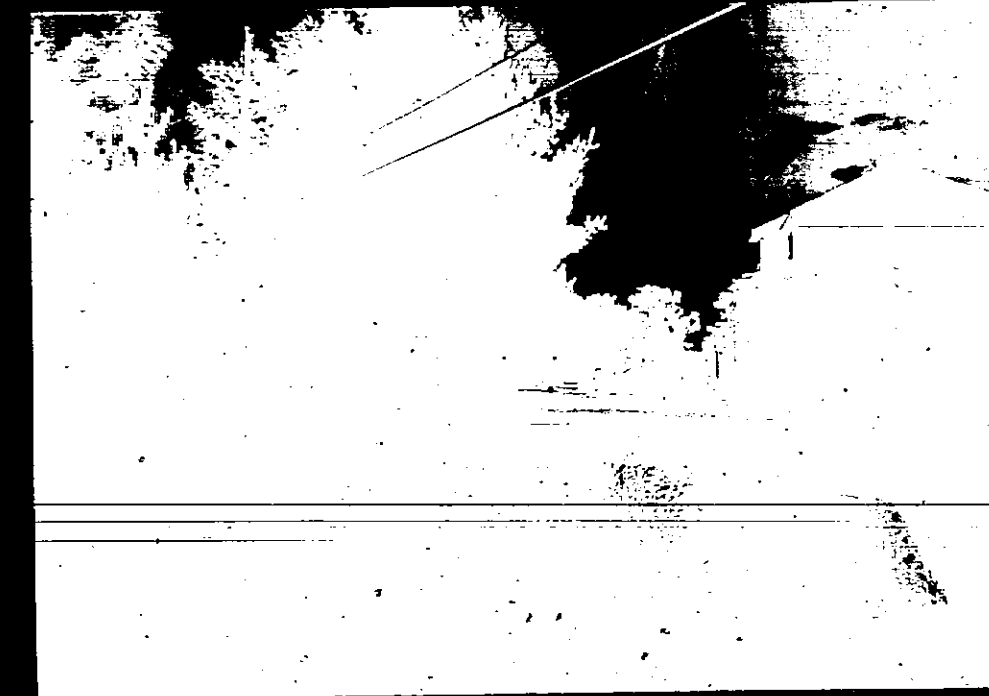
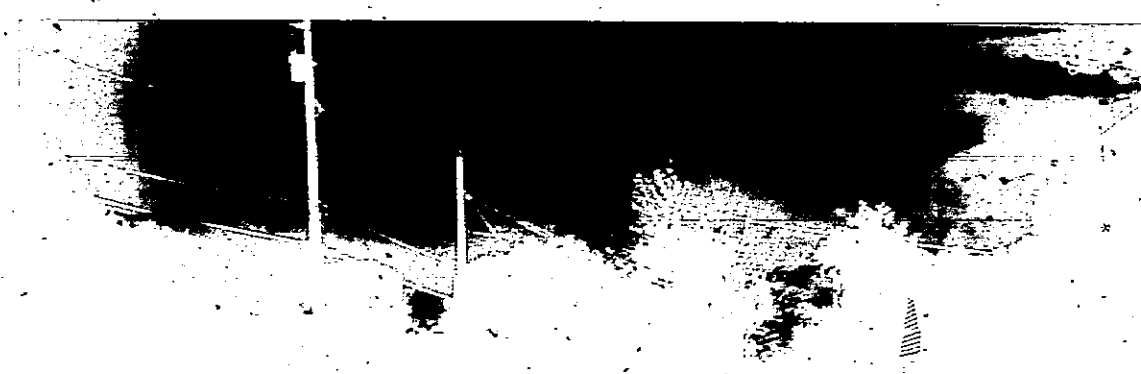
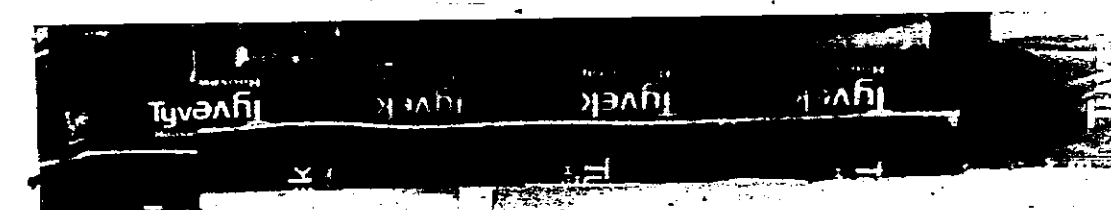
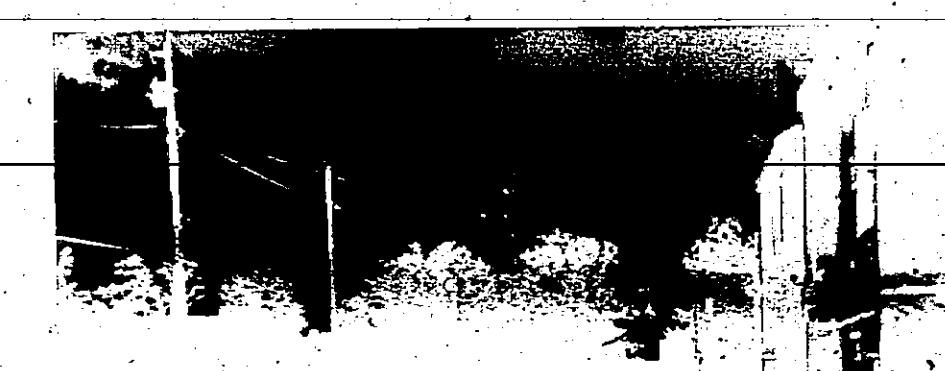
Petitioner's Exhibit 8B



96-140-A



Case 96-140-A  
Petitioner's  
Exhibit 3  
(a-c)



Petitioner's Exhibit 9

Petitioner's Exhibit 7  
Photos relevant to Exhibit 6

Case 96-140-A

